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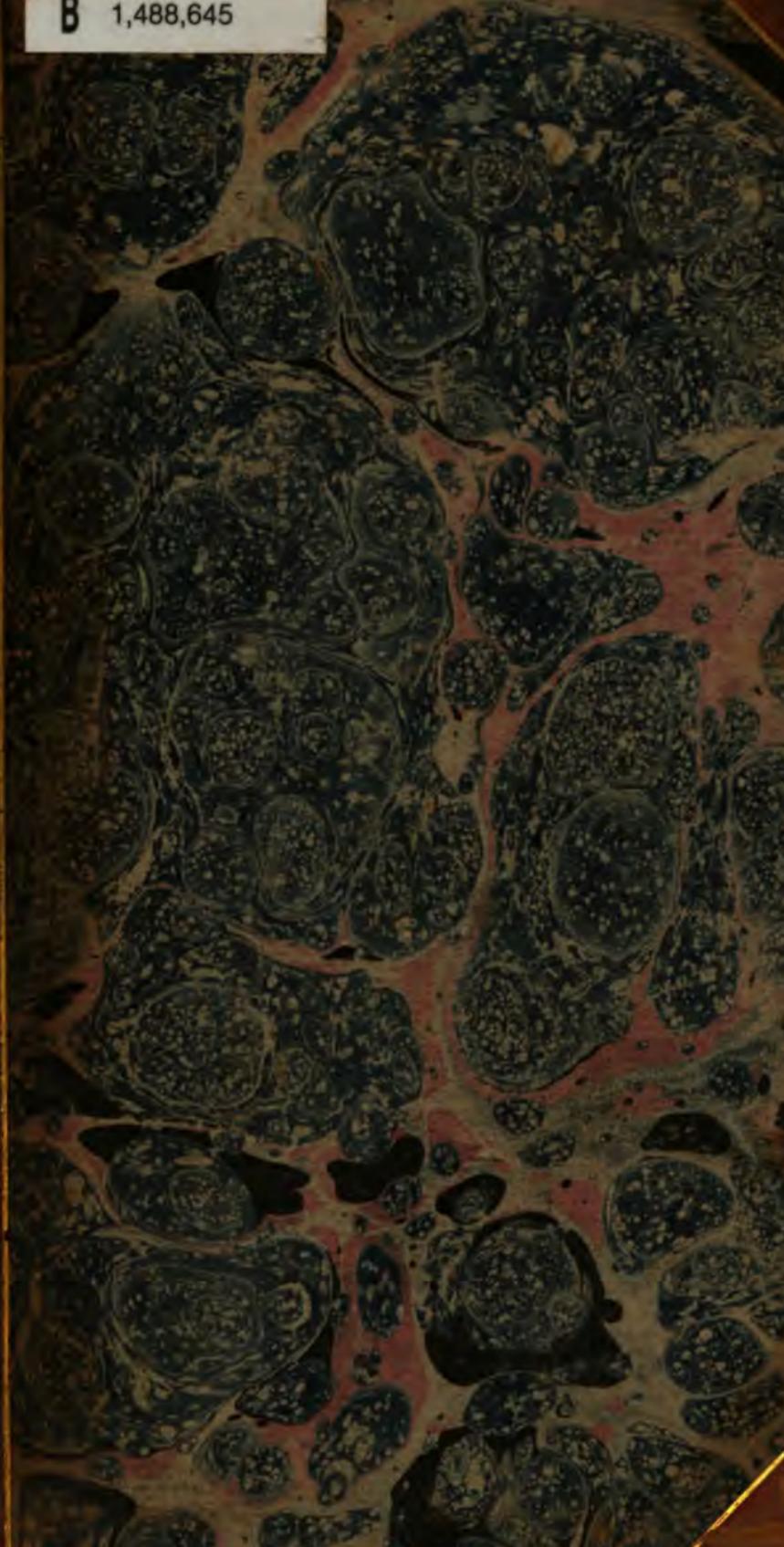
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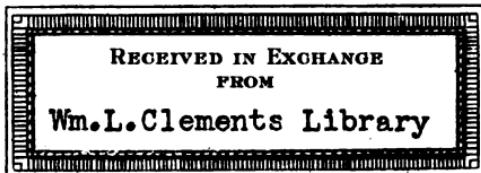
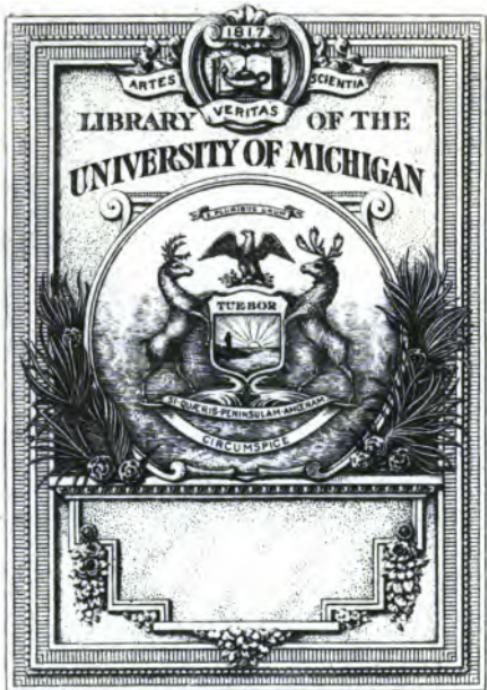
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THE
Parliamentary Register;
OR
HISTORY
OF THE
PROCEEDINGS AND DEBATES
OF THE
HOUSE OF LORDS;

CONTAINING AN ACCOUNT OF
The most interesting SPEECHES and MOTIONS; accurate
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of the most material EVIDENCE, PETITIONS, &c.
laid before and offered to the HOUSE,

DURING THE
THIRD SESSION of the SEVENTEENTH PARLIAMENT
OF
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I N D E X

TO THE

DEBATES AND PROCEEDINGS

IN THE

HOUSE OF LORDS.

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THE
HISTORY
OF THE
PROCEEDINGS AND DEBATES
OF THE
HOUSE OF LORDS,

In the THIRD SESSION of the
Seventeenth Parliament of GREAT BRITAIN,

Appointed to be holden at WESTMINSTER,
On THURSDAY the 25th of NOVEMBER, 1790.

Thursday, 13th December.

THIS being the day appointed by His Majesty's Proclamation for assembling the Parliament, at three o'clock His Majesty came to the House, and being seated on the throne, and the Commons sent for, and appearing at the bar in the usual form, was pleased to make a most gracious speech. [For which see the proceedings of the Commons.]

After His Majesty and the Commons had retired, the speech was then read by Lord Kenyon, as Speaker, and again by the clerk at the table.

The Earl of HARDWICK rose and called their Lordships' attention to the opening of this session, and, appealing to the known wisdom of the House, he trusted that the most perfect unanimity, so much to be desired, would prevail during the proceedings of the day, and that the address which he meant to move, would meet with the hearty concurrence of all their Lordships. The first and most striking part of the speech they

had just heard from the Throne, was the calling out of the militia, and their Lordships needed not to be put in mind, that the power of calling them out was vested in the Crown, whenever there were grounds for apprehension of any intended invasion by a foreign power, or internal insurrection in the kingdom. In such cases, it became the indispensable duty of Ministers to advise that measure, and the law had wisely provided, that the Parliament should be immediately assembled; so if any weak or wicked administration were to do so from improper motives, they must be amenable to Parliament for their conduct within fourteen days; but he was confident it would appear, in the present instance, a very laudable measure, and must be highly flattering to the people. Because when it was visible to all, that wicked and ill-disposed persons were endeavouring to disturb the tranquillity of this country, and the happiness of all classes in it, the militia were relied on, and from a confidence in them, no apprehension of danger remained. On the subject of the neutrality which His Majesty had always observed with regard to France, he believed there could be but one opinion amongst their Lordships. With regard to the revolution in that country, there might be different opinions; in his mind a revolution in the Government of that country was natural and necessary, and he owned he had rejoiced in the idea, that a Constitution was afterwards likely to be formed, and one that, had it taken place, he doubted not might ultimately have been beneficial to the interests of this country. He was of opinion, that we had no right to interfere with the internal affairs of that kingdom, and such interference had been prudently avoided; however he was sorry to say, that all his hopes of seeing that Constitution, which he expected to be realized, had entirely vanished by their recent conduct; had this been all, he still would contend, that we ought not to interfere; but the disposition to pursue a system of conquest and aggrandizement, mentioned in the speech, was too obvious from their having entered the dominions of Sardinia, taken Nice, and annexed Savoy as an eighty-fourth department to the territory of France. He stated from the authority of an officer's letter, the crimes and enormities that took place on the taking of Nice, and the manner in which they had been glossed over by the National Convention, who said, it was the palaces of

Kings, and not the property of the people, that they sought to destroy ; but the contrary was the fact, and even the inhabitants of cottages had not escaped their wickedness and inhumanity. He then adverted to the treaty which General Montefquieu had entered into with Geneva, agreeable to the wishes of both parties, and yet that General was blamed for what he had done, and the treaty was, contrary to all justice, broken. He stated, as a disregard of the laws of nations, their entering Germany, and taking possession of Frankfort, and laying the inhabitants under a heavy contribution, which, though it was remitted, they had not pursued an honourable line of conduct to the inhabitants afterwards. The invasion of the Austrian Netherlands he considered in the same light, and the opening of the Scheldt, so particularly guaranteed by various treaties, particularly that of 1787, was a direct violation of the rights of neutral powers. With what consequences those daring acts might be attended, if not checked, it was not easy to guess ; having the command of men, they might now possess a fleet and proceed to Helvoetsluys, which being in their possession, would be a most dangerous and unwarrantable injury to the Dutch. He severely reprobated their conduct, and always thought that the conduct of nations should be the same in every view as that of individuals, and as strictly guided by justice and honour. Having touched upon almost every topic in His Majesty's speech, he had only the last, respecting the successes in India, to mention ; and here the noble Earl took occasion to pay very handsome and well-merited compliments to the Marquis of Cornwallis, in which he was sure the House would concur most readily ; after professing his attachment and determination to support the Constitution to his utmost, he concluded by moving the following address :

The humble Address of the right honourable the Lords Spiritual and Temporal, in Parliament assembled.

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to return your Majesty our humble and dutiful acknowledgements for your Majesty's most gracious speech from the throne.

Permit us to assure your Majesty, that, under circumstances which require the united vigilance and exertion of all the branches of the Legislature, to preserve to your Majesty's subjects the continuance of those advantages which they have hitherto enjoyed; it is a great satisfaction to us, that your Majesty, by meeting us in Parliament at this conjuncture, has afforded us an opportunity of manifesting our loyalty to your Majesty, and our zeal for the dearest interests of our country.

We have seen with the greatest concern that the seditious practices which were the objects of your Majesty's late Proclamation, and which were so strongly condemned by the declaration of both Houses of Parliament, and by the general sentiments of the people, have of late been more openly renewed, and with increased activity. We deeply lament that spirit of tumult and disorder, the natural consequence of such practices, which has shewn itself in different acts of riot and insurrection, requiring the interposition of a military force in support of the civil Magistrate. We are sensible that the industry employed to excite discontent on various pretexts, and in different parts of the kingdom, has proceeded from a settled design to attempt the destruction of our happy Constitution, and the subversion of all order and Government; and we learn with the utmost indignation that this design has been pursued in connection and concert with persons in foreign countries.

We highly applaud the wise and generous conduct adopted by your Majesty in observing a strict neutrality in the present war on the Continent, and in abstaining from any interference with respect to the internal affairs of France: But we beg leave to assure your Majesty, that we fully participate in that serious uneasiness so justly felt by your Majesty on account of the strong and increasing indications which have appeared in France of an intention to excite disturbances in other countries, to disregard the rights of neutral nations, and to pursue views of conquest and aggrandizement, as well as to adopt towards your Majesty's allies the States General, who have observed the same neutrality with your Majesty, measures neither conformable to the law of nations, nor to the positive stipulations of existing treaties.

We acknowledge with the deepest gratitude your Majesty's paternal care for the security and happiness of your people, which

has led your Majesty, on the present occasion, to have recourse to those means of prevention and internal defence with which your Majesty is intrusted by law; and also to augment your Majesty's naval and military force; and we concur with your Majesty in the persuasion that these exertions are necessary in the present state of affairs, and are best calculated both to maintain internal tranquillity, and to render a firm and temperate conduct effectual for preserving the blessings of peace: an object which, however important in itself, is no otherwise desirable than as it can be attained consistently with the security of these kingdoms, and with the faithful performance of engagements which we are bound equally by interest and honour to fulfil.

We congratulate your Majesty on the brilliant successes of the British arms in India, under the able conduct of the Marquis Cornwallis, and more especially on the termination of the war in that country by an advantageous and honourable peace, to the terms of which we look with peculiar satisfaction, from their tendency to secure the future tranquillity of the British dominions. We shall now apply our attention to the forming such arrangements for the future Government of those valuable possessions, as experience and deliberation may recommend to us, with a view to the prosperity of that country, and to the advantages which it may afford to the British commerce and revenue.

We beg leave to assure your Majesty, that we feel it to be our bounden duty, and that it shall be the object of our most immediate consideration, to adopt all proper measures for enforcing obedience to the laws, and for repressing every attempt to disturb the peace and tranquillity of this kingdom. We are not ignorant that on the result of our deliberations at this moment, depend the present security and permanent prosperity of our country. We well know that we can in no manner better provide for these important and interesting objects, than by manifesting in all our conduct that affectionate attachment which is so justly due to your Majesty from every one of your subjects, and which is deeply impressed upon our hearts; and by directing all our counsels to the defence and maintenance of the Constitution, so dear to a people whose liberties it has long protected, and whose happiness it has essentially promoted. In endeavouring to preserve and transmit to our posterity these in-

estimable blessings, we know from uniform experience that we may be assured of your Majesty's co-operation and assistance; and we are confident that the united efforts of your Majesty and your Parliament for this purpose, will be rendered completely effectual by the decided support of a free and loyal People.

Lord WALSINGHAM rose to second the address; his Lordship observed, that the noble Lord who moved the address had so fully explained the objects of it to the House, that it would be unnecessary for him (Lord Walsingham) to trouble the House long upon the subject; and indeed he believed he should content himself with merely seconding the address, if he was not apprehensive that he might appear to be lukewarm in a cause, in which no man, who is born an Englishman, ought to feel lukewarm or indifferent; for whoever, in a moment like the present, should hesitate to avow those sentiments of loyalty to the King and attachment to the Constitution, which (he was perfectly convinced) warmed the hearts and animated the feelings of all their Lordships, such a man would not deserve the benefits he enjoys, and the blessings he derives, from the best, the freest, and the happiest Constitution upon the face of the earth.

It should seem, indeed, that Ministers had at first been tardy to believe that there could be any large body or description of men who really wished to overturn the Government, in the manner in which it has since appeared they did in fact wish to overturn it; but when they discovered it to be true, they lost no time in calling upon Parliament, and upon the country at large, to discourage and discountenance these pernicious and dangerous doctrines.—Their Lordships all remembered with how much force and with how much eloquence, a noble Marquis (Abercorn) had moved an address in that House, thanking the King for the proclamation of the last Summer; the other House concurred in the same sentiments with equal zeal, which example was followed by similar addresses by most of the counties in England from one end of the kingdom to the other.

Their Lordships must all remember (for it made too deep, and too pleasing an impression upon their minds to be easily forgot), how admirably those sentiments had been enforced by

an illustrious Personage in his place (alluding to His Royal Highness the Prince of Wales) when he expressed, in the warm and genuine feelings of his heart, those hereditary, loyal, and constitutional principles which he pledged himself to make the invariable rule of his conduct ; and his Lordship added, that there could be as little doubt but the other branches of that illustrious House would be equally ready to act up to those noble sentiments in their legislative and professional capacity.

One great benefit, however, had resulted from these attempts to disturb the public tranquillity ; for the nation had seen, that upon this subject all spirit of party was forgotten and done away ; we had seen the first families in the country, the best characters in the country, and the persons holding different political sentiments, to whom the nation looked up with the most confidence, all united in shewing that their loyalty to the King, and attachment to the Constitution, as established by law, in King, Lords, and Commons, were brought to the test ; there was but one spirit which pervaded not only the two Houses of Parliament, but the nation at large, and mixed itself with the whole mass of the people, whose only wish, he verily believed, was to live under that Constitution which is their birth right, and from which neither the intrigues of turbulent and seditious spirits, nor any foreign interference would ever be able to cajole them.

And yet, said his Lordship, fresh attempts have recently been made to deprive them of those dear and valuable rights which, in the course of the Summer, seemed to be no longer exposed to hazard—fortunately, however, he believed a timely check was put to the progress of these alarming mischiefs, partly by His Majesty having called together his Parliament, partly by his having embodied the best and most constitutional means of internal defence, viz. the National Militia, that is, the property of the country voluntarily pledged to protect the law and liberty of the country—partly by societies of different persons who have come forward in the Metropolis and in different counties to preserve the peace of the kingdom, not forgetting the spirit with which the Bankers and Merchants supported the common cause, in the heart of the Capital itself,

where they represent so large a share of the mercantile and monied interest of the city.

His Lordship further said, that having spoken so much at large upon those parts of the speech which regarded the internal events which were under every man's own eye, he would try to be as short as possible upon the foreign events, which were certainly very far from being an immaterial part of the business that was now before the House.

Whoever would reflect upon His Majesty's conduct during the French troubles, would have reason to admire the magnanimity of it; for he had forgot the provocation they had given to him in bringing on the last war between this country and the whole House of Bourbon;—His Majesty had shewn himself superior to any little resentments and to any pityful spirit of revenge;—he had not been instrumental in withdrawing the allegiance of any subject from his sovereign, nor has he supported a sovereign in his old or in his newly-established Government against the voice of the people; but he had constantly forborne, even in the hour of their severest trial, to interfere in any manner whatever in the internal affairs of France, either by supporting what has been called the common cause of Kings, or by acting in conjunction with the House of Austria, or even with his ally, the King of Prussia, endeared as that Monarch was to His Majesty and to the nation, by the recent connection and relationship which has been so happily formed with his family.

But if our restless neighbours, not being satisfied with having overrun the territories of those powers with whom they are actually at war, should yet think fit (in defiance of the most positive and express stipulations of a treaty, guaranteed by themselves not five years ago) to attack our antient and natural ally, the Dutch, and to break down those banners which the wisdom of ages had set up, and the most recent treaties had repeated and confirmed, we might, at least, thank His Majesty for having had recourse to those means of internal defence which the exigency of the moment rendered necessary, and for looking to the possibility of future events by augmenting his naval and military establishments.

In such a crisis of affairs, he asked, what was the most dignified part which a great nation could take?—the answer,

said he, is to be found in the speech ; “ Be firm and temperate in your conduct ; preserve your faith inviolably ; adhere to your alliances, and, as the noble mover had said, be true to yourselves, and take that part which your interest, because your honour, dictates.”

His Lordship then went into a chain of argument to prove his position. Suppose, said he, for the sake of the argument, that we should forbear to assert ourselves in the manner that becomes us, how long, and under what circumstances, should we be able to forbear ? Should we not, in the course of a few months, be dragged into the quarrel in spite of ourselves, and with the disgrace of having abandoned an ally whom it was our bounden duty to support ?—add to which, her force would probably be neutral, if not against us, instead of coming forward at once with that spirit, and with that confidence, which a good and a just cause naturally inspires.

His Lordship asked, why the treaty of 1788 was made with the Dutch, if it was not meant to abide by the stipulations to which we then pledged ourselves ?—why did we in the year 1787 arm for the purpose of rescuing the Dutch from the thraldom to which the interference of France would have subjected them ? Our interposition there was a measure universally approved, not only by the nation, but by all Europe—it would make a brilliant æra in the history of this country—if, therefore, we would be uniform and consistent with ourselves, we should ensure the same approbation, by holding a similar conduct now to that which we held then, it being always understood that these are not measures of offence—that we are not the aggressors—that they are only the means of prevention, and that our object is to secure the blessings of peace—the preparations that are now making could for the present be paid for by an excess of revenue, if, fortunately, those preparations should have the desired effect, and should prevent a war, as they did before ; the revenue will then revert to its proper channel, and will be applied (as every man would wish) to relieve our fellow subjects from a part of the subsisting taxes.

His Lordship, by way of conclusion, said, that he could not help closing his speech with a few words upon the peace in India ; for if ever a peace was made by an able and successful General which was advantageous and honourable, such was the

character of the peace which Lord Cornwallis had concluded in India;—it was honourable to himself, it was both honourable and advantageous to the country;—in that peace were to be traced no ambitious designs of exclusive aggrandisement to ourselves;—the revenue we had acquired in common with the confederate forces, would be applied partly to pay off the expences of the war, partly to find resources for augmenting the trade and commerce of the country—so judicious a distribution had been made of the new accession of territory, as to secure, in a great degree, the tranquillity of our own provinces, and through them of all India, as far as we could command it;—the war, which had been begun in support of the faith of treaties, had, by the blessing of divine Providence, been brought to a successful termination. We had had it in our power to make good our engagements in such a manner as would render the name of Lord Cornwallis, and the British character in India, admired for ages to come. Our object had been to relieve an oppressed individual, to teach the British Princes and powers in that quarter of the world, that, if they rely on the British faith, they should not rely upon it in vain. We had sacrificed a temporary interruption of peace for the sake of the future, certain, and permanent enjoyment of it, which object being now happily secured, it remained for the Legislature to consider in what manner that Empire should so be governed, as to be most beneficial to the nation at home, and best conducted for the interest and happiness of those who were to live under, and make a part of, the British Government in India.

The Duke of NORFOLK expressed his loyalty and attachment to the Constitution and Government, but could not help offering a few words upon the subject, which he considered of very serious importance, and which if the House were to adopt, they would lay down a precedent that might lead to the most pernicious and unconstitutional effects. What he meant, respecting the calling out of the militia, which, he conceived, could not legally be done upon apprehensions of invasion or unknown riots and insurrection within the kingdom. The act, which he held in his hand, went only thus far, that the militia might be called out, in the event of either imminent danger of a foreign invasion or an actual insurrection in the country. Now, as the noble Earl had stated nothing of that

kind, he thought himself justified in calling upon some one of His Majesty's Ministers to declare, and he thought they were bound to satisfy the House on that point, what those apprehensions were, and where those dreadful riots and insurrections had taken place, as there were none of their Lordships yet made acquainted with the circumstances that had produced such general alarm over the country ; and he must say, that the alarm occasioned by the last proclamation was very great. The speech stated a desire to preserve the peace and tranquillity of the country ; but was war, and certainly there was every appearance of war at present, the way to preserve peace ?—was it not rather the only way to overthrow it ? If Ministers, however, had determined that there should be a war, they ought to declare that it is necessary, nay, inevitable, and in that event, they will find the Parliament and the country ready to support them in it. If any other war was entered into, whatever pretext might be found for it, the country would be divided in opinion ; and it did not require him to state to that House the ruinous calamities that attended every war, but particularly one on which there existed a division of sentiment in the country. With regard to the Scheldt, that was a matter not properly under discussion now, and therefore he would not enter upon it farther than as a cause of war, and here he could not help remarking that it was rather strange to determine on going to war with any country for an interference with another, when we had no ambassador, or person of any description, to treat with that country, and remonstrate on the conduct which we were displeased at, such, he would, say was a desperate war, and not to be justified.

The Marquis of TOWNSHEND spoke a short time in favour of the address, and the measures of administration, and particularly the calling out of the militia, which he thought highly proper. He likewise considered the conduct of France towards their King, and their inordinate ambition and desire of conquest, as highly unjustifiable and criminal.

The Marquis of LANSDOWNE said, he had waited some time in expectation that the noble Secretary of State, or some other Minister, would have risen to answer the question so properly put to them by the noble Duke ; on that point the House had a right to be satisfied, even if the question had

come from one of the most insignificant Peers in that House ; but when it came from one of the most illustrious, as well as ablest, and wisest noblemen that the Peerage could boast of, he wondered how they could reconcile their conduct even to themselves—The Parliament had been assembled in a manner the most unexpected and unexampled that could be found in history for hundreds of years back, and, he must say, in so questionable a shape, that he doubted if they had even legality on their side. He never was more astonished than when he heard of such a measure being taken, and amongst all with whom he had since conversed, and some of them not the most ignorant of men, the same astonishment prevailed. When the Gazette appeared with that extraordinary clause which the noble Duke had alluded to, he believed it had occasioned a most dreadful alarm over all parts of the kingdom, stating tumult and disorder, no one knows how ; riots and insurrections, no one knows where ; alarm without import, and sedition without meaning. However, in the way they were now assembled, and when called upon to account for those mysterious phenomena, did Ministers think that the House or the country would be satisfied, and all quietude cease, if, in order to shelter themselves from irksome inquiries, and, perhaps, teasing debates, they took shelter under their wonted sullen silence, and that solemn confidence which seemed necessary in carrying through all their measures, in all times of emergency and alarm ; this incomprehensible conduct could never produce conviction of their rectitude, and was highly blameable.— Having thus expressed his doubts concerning the legality of their Lordships being assembled at this time, and having no information of their motives from Ministers, every one was left to his judgement to guess what they might be. If they had ground of apprehensions, if they knew of any seditious libels, riots, or insurrections, ought not they to make their conduct as clear as noon day ; but this they scorned, for in their proceedings there seemed to be no light at all, all was darkness and mysterious silence. Would it not become them to recur to former times, and profit a little by the wisdom and example of their ancestors, and those some of the best and greatest of their time ; would they not find in the History of England what had been the conduct of Princes, Judges, and

great Ministers on occasions similar to what this was said to be. The noble Marquis here went into a long detail of cases in different reigns for some hundred years back, which he argued very forcibly, and contrasted very strongly with the present proceedings. He then said, the provision of calling Parliament within forty days was a wise and necessary regulation. For many reasons, Members ought to know the matters that are to come before them, that their minds might be made up for the discussion, after collecting the sentiments of the people, and consulting every source of information. He had stated before, that in those periods to which he had alluded, even in James I^ts reign, it was customary to direct the Chancellor to explain as fully as possible in the speech to Parliament what measures were to occupy their attention. But this would not now suit the views of Ministers ; they preferred taking an obscure clause of an obscure act, in order to throw a general calumny on all the people of the kingdom ; they enumerated riots, insurrections, commotions, or by whatever word they chose to describe the phantom which they had reared to create alarm, and serve their own purposes. This quibbling in politics as in words, might be well enough with a special pleader, but did not become a great Statesman. There had been times when constructive treason and cumulative treason were heard of in this country, but in those times he trusted there could be neither constructive or cumulative insurrections.

On the subject of monarchy he stated conferences between Cromwell and Whitlocke ; and likewise referred to associations and papers written about the time of King Charles's Martyrdom, where it had been wisely argued and admitted, that without a mixture of monarchy, no Government could suit this country : in those he had found more solid information than in all the sermons and other publications of modern times, though some he had seen that were excellent ; and those references to former ages, he contended, were worthy of imitation, and ought to be consulted, inasmuch as example was better than precept. He did not belong to any associations ; many of their publications which he had read he thought very odd ; but he would heartily give all the credit that was so much due to those resolutions at Merchant Taylors' Hall, mentioned by a noble Lord ; they were prudent, wise, and

well worded ; they contained reason and truth ; and one thing they asserted, which could not have been done in a clearer or better manner, " that there existed in the Constitution of this country sufficient power to correct the abuses that had crept into it." Such resolutions as those he applauded, and he could wish he saw in Ministers the same spirit and firmness. But there were other associations, whose resolutions he never could agree to, and wondered that any man, possessed of common understanding, could put his name to them, if he took the trouble to read them over—[Here he read, and commented in very severe and pointed terms, upon the resolutions of the Crown and Anchor Association.] He knew not the persons, but certainly there was not a lawyer amongst them, or if there was, his law and his logic, who drew up such resolution, must be abominably bad. He went at great length into the history of associations in this and former ages, and set up that at Merchant Taylors as a model. He then said, that after searching every where, it was evident that the real motive of the conduct of administration was war, and had nothing to do in fact with insurrection, although Parliament was assembled by that manœuvre, and he must desire them to take care how they plunged the country into a war, with a Parliament illegally assembled. Let them inquire into facts before they proceed, or else their proceedings may be impeachably wrong. His love for the property of the country would lead him to go far to preserve peace and tranquillity. Peace was worth much money, but there were some things which money could not procure ; he could not by money make an insurance against abuses. He could not as a man go to the Catholics, suffering incapacities and confessed hardships in Ireland, and say, " It is true—all you say you suffer—but what is that to me ? I am perfectly at ease :" nor to the Dissenters, and tell them, " You are irritated and provoked, it is true, but I have no reason to be displeased. You have no livings, but, perhaps, it is prudent that you have not, and better for you to wait." Neither could he go to a country town, and say to an inhabitant who complained that he had no vote, and tell him, " I do not feel your taxes." Nor could he talk of the public œconomy in plurality of livings. On the subject of parliamentary reform, he did not mean to discuss it now ; but he must say

that he thought it was practicable, but attended with difficulty, and could not be accomplished with advantage until it was fully discussed and perfectly understood. In the course of that discussion perhaps he might retract opinions which he formerly held, and there was no shame in so doing, when it proceeded from conviction. On the subject of treaties, he thought Britain had always, as she ought, executed treaties faithfully, sometimes even to her loss, although we had been charged with breaking of treaties, but those were treaties made by Ministers, who had neither consulted the Parliament nor the nation. He run over all our treaties with Holland, but could find nothing in them, but what convinced him, that if we went to war at present, it would be a war for no real or good purpose. He thought the best way was to hear and examine into grievances, and if they pursued, it would be the best answer that they could give to all those who called for reform, and the only true way to know whether, and what grievances really existed.

Lord GRENVILLE combated the arguments adduced by the noble Marquis, and read extracts from a variety of papers, which proved, that the apprehensions of ministry were well grounded, and perfectly justified the measures they had adopted for the security of the country. His Lordship adverted to the motion for a Parliamentary Reform at the conclusion of the last session of Parliament; this would serve as a developement of the subsequent discontents. In consequence of this notice, societies had been formed over the whole kingdom, who, by their communication with the National Convention, professed a disposition to supersede the Parliament, and establish a new system of things. His Lordship called the attention of the House more particularly to two paragraphs inserted in M. Condorcet's paper at Paris, asserting, that the people of this country were determined to shake off hereditary succession, and to establish a Convention, as the only genuine organ of representation. He then took a view of our relative situation, to the powers of Europe, and contended that the British Court had persevered in a strict neutrality until the French fleet covered the Mediterranean, her armies ravishing provinces, and subverting Governments wherever they came: that the conduct of England had been liberal in the extreme; and now that the

arrows of ambition were levelled at our own bosoms, it was incumbent on every well-wisher of his country to range under the banners of the Constitution, and repel the machinations of levellers and assassins.

His Royal Highness the Duke of CLARENCE rose. He said he coincided most completely with the noble Secretary of State in all that he had so ably stated that night, and had only to say, that he would be ready at all times to give every assistance in his power, in his professional line, to support the Constitution of the kingdom, and protect her faithful allies. On the subject of the opening of the Scheldt, a noble Marquis seemed to think little of it; he thought very differently, and considered it of great importance to this country. But even if it was not, still if it was of such importance to the Dutch as he maintained it to be, it was fit that Great Britain should secure them in the possession of it; for, otherwise, those in Holland, who were discontented with the Government there might unite in French politics and principles, and, as noble Lords had heard of their making Savoy an eighty-fourth department of France, he had no doubt but they would make Holland an eighty-fifth. Their Lordships would recollect that when he last troubled them, it was in a conference with the other House on the slave trade. On that business he had taken pains to obtain local information, and had then disapproved of the associations in all parts of the country against it, because they tended to deceive the people on a subject they had no knowledge of. He was pleased that the noble Secretary had argued in a similar way to-night, respecting associations. He concluded by saying, that as he considered this to be only a continuation of the debate on the King's Proclamation last session, so he hoped the discussion would terminate with the same unanimity and approbation.

Lord Viscount STORMONT began with saying, that he rose under a difficulty which he had never experienced before: that there were some topics which had made a strong impression upon his mind, but which he did not wish to urge eagerly on the consideration of the House, how much soever they were connected with the business before them.

I heartily lament, added he, that Parliament was not assembled in November in the usual manner, though it be certainly true that events of great moment have happened since that time,

yet it is equally true that there were then various circumstances actually existing, and more that were easily to be foreseen, which made it highly expedient that Parliament should be sitting; but if Ministers doubted of the propriety of calling Parliament so early, why did not they at least reserve to themselves the power of meeting any emergency, by advising a short prorogation instead of a long one? Why this plain, natural, obvious method, which would have removed every difficulty, was not taken, it is impossible for me to conceive.

Some have thought that Ministers have been too hasty in their preparations. I should make a very different complaint were I disposed to complain. I cannot but regret that they were induced to depart from a line of policy, which till that time, this country invariably pursued. I cannot but lament that France has been suffered to ride triumphantly with a superior fleet, both in the West Indies and in the Mediterranean. But I will not press this subject; I will not dwell upon that which is now remediless; but will look forward, being anxious, exceedingly anxious, that the motion before you should meet with your unanimous concurrence. I am convinced that such unanimity is, at this time, of great national importance. I will not, my Lords, attempt to estimate the degree of danger that has threatened us, or continues to threaten us at present; but I am free to say, that though I am not naturally a desponding politician, there has been *that* of late in the situation of this country, which has been to me matter of serious alarm.

Is it a thing of little importance, that the most unwearied pains have been taken to poison the minds of the multitude by disseminating, at great expence, such expence as no private purse can supply, the most pernicious doctrines, subversive of all order, all government, and striking directly at the root of this constitution? It will, I think, be admitted to me, that in the estimating any political danger, you are not to calculate merely the probability of success, but are also to take into the account, and constantly keep in view, the nature of the attempt, the character and disposition of those who make it, and the consequences if they should succeed. What then do these levelisers intend? Not this or that partial change, this or that supposed improvement; they avowedly strike at the whole;

they wish to level with the ground that venerable fabric that has stood for ages, that has been so long the pride and glory of this country, the admiration and envy of every other. They speak with irreverence of monarchy, they speak of Parliaments with contempt. They say that taxes, if necessary, must be imposed in some other manner ; that there must be a National Assembly, and, as they call it, a new order of things. If such attempts should succeed, the consequence, the necessary inevitable consequence, would be instant and irreparable ruin. The noble Secretary of State has adduced many proofs of a concert between these levellers at home, and persons in foreign parts. He has also proved, by authentic documents, the reigning and avowed principles of the National Convention. I will beg leave to add one or two passages from the same author his Lordship last quoted, whom I personally knew ; *seen him I bave, but in his happier hour*, when he confined himself to literary pursuits, and was contented with literary fame. He is now a Legislator, and in an elaborate address to the Dutch or Batavians, as he calls them, after exhorting them to union, that is, to alter their subsisting Government, and form a democracy like that of France, he says, “ Such union between free States is their primary want, their dearest interest, so long as the earth is stained by the existence of a King, and by the absurdity of hereditary Government, so long as this shameful production of ignorance and folly remains unproscribed by the universal consent of mankind.” In another place he says, (bear with me, my Lords, whilst I repeat it,) “ George the Third sees with anxious surprise that throne totter under him, which is founded on sophistry, and which republican truths have lapped to its very foundation.” I translate literally, and hold the original in my hand, if any noble Lord wishes to see it. To such language, on which I forbear all comment, this and every succeeding day will furnish the best reply. They will shew that not only Parliament, but a vast majority of the People, (however the minds of some may have been poisoned) have the most grateful sense of the numberless blessings they have enjoyed under the mild, provident, and beneficent government of the House of Brunswick. Every day will shew we have learnt, from the uninterrupted experience of more than a century, that limited hereditary monarchy, poised and

balanced as ours was at the glorious revolution, is, for a great country like this, the best form of Government that ever was framed. It unites more of the advantages of the different forms, as they are technically called, than ever in any one system was combined. To the vigour, energy, dispatch, and secrecy of a strong executive, directed by one governing mind, it joins the fullest protection of the rights of the subject under the dominion of equal law: it unites, in a word, the largest portion of real rational civil liberty, that ever was enjoyed by man. I know I speak your Lordships' general sentiments. These sentiments, these opinions, are written upon our minds, rooted in our hearts, cast and mingled with our very frame. We are not to be driven from them by the frantic ravings of wild enthusiasm, or the base artifices of designing men. But the attempt itself is matter of moment, and deserves the constant attention of Administration. In all their proper endeavours to check the progress of the evil, to detect such designs, and to restore the deluded multitude to that tranquillity of mind that is necessary to their happiness, and not immaterial to ours, Ministers will, I hope, meet with the most general support. They are, by their situation, called to take the lead in this business; but the cause they defend is not, cannot be, more their cause than it is ours. I mean them no compliments; I have all the respect due to their personal characters. Their measures, as thinking them erroneous, I have frequently opposed, and may have occasion to do so again; but, my Lords, under this, or any possible Administration, my line of conduct, with regard to this great point, would have been the same.— Nothing is more distinct and separate than the cause of this or that Administration, and the cause of Government abstractedly considered. The support of Government, in times of danger more especially, is matter of universal concern. When any danger threatens the existing Government and Constitution of my country, I am called by the voice of duty to join in their defence. I cannot shrink from, or elude that duty, by saying to myself, “I do not like these Ministers; I wish the Administration was in different, and, as I may think, in abler hands.” It is not this or that Minister, this or that denomination of men, that I join upon occasions like these. I range myself under the broad banner of the Constitution. I add one to the

great phalanx that is to shield it from the poisoned arrows directed against it. I join in the defence of *that*, which, whilst it remains inviolate, must afford numberless blessings and comforts to us all; but which, if ever it should receive a mortal wound, if ever it should fall, must, in its fall, bring immediate universal ruin.

His Lordship concluded with saying, that after having detained the House so long, he would add but a very few words upon another most important business, which must come before them in another shape. I am as anxious, added he, as any man to preserve the public tranquillity. We all know that the best way to preserve it, is to provide effectually for an internal defence. I know the blessings of peace; I know the calamities inseparable even from prosperous war: but, my Lords, as much as I value the blessings of peace, (no man can prize them more) I shall ever be of opinion, that even those blessings may be bought too dear. They must not be purchased by the intolerable sacrifice of the national honour.

Lord RAWDON said, he came down to the House, confident that the King's Ministers would have assigned such obvious reasons for their conduct, as would have entitled them to the approbation of the whole House—A noble Duke had demanded where the insurrection was which gave sanction to their precipitate measures? No satisfactory information could be obtained on that head, and it was fair to infer that no tumults existed; a mere apprehension of danger did not warrant the calling out of the militia; and it would appear, that one error had been committed by way of apology for another. He adverted to the disposition of the Catholics in Ireland, and recommended to that Government to pay some attention to their petition, or rather claims.

Lord STANHOPE gloried that he lived under a Constitution which, in principle, excelled all others, ancient and modern. It provided against every possible exigency, and rendered revolutions unnecessary, by furnishing us with the means of adding to its utility, or retrenching its superfluities as occasion might require. At an early period of life, the noble Lord said, he had a turn for philosophical researches, and, in order to pursue his studies, he was introduced to the most learned men on the Continent; among others, he had contracted an

intimacy with M. Condorcet, whose reputation he wished to rescue from the aspersions that had been thrown out against him by a noble Lord (Grenville) relative to a paragraph in a Parisian paper.—His Lordship read a letter from that gentleman, declaring in the most unequivocal terms, that it was the height of folly for the English to engage in any scheme which might subvert the Constitution of their country, which was very justly styled the aggregate wisdom of ages. As a citizen of the world, and a friend to mankind, his Lordship expressed the most heartfelt satisfaction, that the officious interference and ambitious views of the confederacy against the liberty of France had been frustrated.—That monster, the Duke of Brunswick, merited the execration of every man of feeling, for publishing a manifesto of his intention to put half a million of his fellow-creatures to the sword ; had he realized this pious resolution, it would have exceeded the wanton ferocity of Nero or Caligula. The consequent massacres on the 10th of August, alluded to by some of their Lordships, were imputable to this manifesto ; and if the right honourable Secretary had not a more authentic source of information, as to the affairs of France, than a public newspaper, little credit was due to his assertions.

Lord PORCHESTER approved of the conduct of ministry, but said, that the measure of calling out the militia at this season was peculiarly severe upon the substitutes, who having engaged at a certain sum to perform a duty which was fixed and settled by the law, were now called upon to perform a double duty, contrary to the terms of their engagement. His Lordship had no objection to evince his loyalty to His Majesty, and his attachment to the true principles of the Constitution.

The Marquis of LANSDOWNE, after a short preface, moved an amendment, by leaving out two paragraphs of the address, which brought on a desultory conversation, in which the Duke of Norfolk, Earls Fitzwilliam and Carlisle, took a part.

Several noble Lords intimated their intention of discussing the subject of the armament at a future day, when the Speaker put the motion for the amendment, which was negatived without a division. The address was then put and carried in the affirmative,

A Committee was formed to prepare the address. It was reported, and the Lords with White Staves ordered to take His Majesty's pleasure, when he will be waited on with the same at St. James's Palace.—Adjourned.

Friday, 14th December.

At three o'clock their Lordships met, when they were informed by the Marquis of Salisbury, that His Majesty was ready to receive the address. The House proceeded to St. James's and presented the address, after which they returned, and without transacting any other business, adjourned.

Monday, 17th December.

Lord KENYON informed their Lordships, that the address to His Majesty had been presented, to which he was pleased to make the following answer :

My Lords,

I thank you for this very loyal and dutiful address. Your expressions of affectionate attachment to my person, and of zeal for the maintenance of the Constitution, are peculiarly acceptable to me at this conjuncture; and I am satisfied, that, whatever may be the course of future events, the spirit and loyalty which you have manifested on this occasion will be productive of the happiest consequences to my people.

Lord LOUGHBOROUGH called the attention of the House to a circumstance which had escaped their notice previous to the prorogation of the last sessions of Parliament.

In the year 1738 a temporary act passed the Legislature, entitling persons charged in execution in a sum less than 200l. to their enlargement, upon making a *bonâ fide* surrender of their effects for the benefit of their creditors. This act, after undergoing various revivals and modifications, extended the sum to 200l. The time of its duration expired last sessions; and the Legislature, from the contemplation of a bill upon a larger scale, had omitted to revive this; so that many debtors were precluded the benefit of this salutary act, after having been at the expence of petitioning. The noble Lord produced a bill, extending the sum to 300l. which he conceived would meet the approbation of the House, as that addition was proportionate to the increased extent of credit.

Read a first time.

Lord RAWDON said, that he trusted the learned Lord's ideas in this bill did not interfere with that bill of which he (Lord Rawdon) had given notice in the last session of Parliament, (" A bill for the relief of debtors who were really insolvent, and who had not wantonly made away with their property.")

Lord LOUGHBOROUGH, in reply, stated, that this bill did not interfere with the noble Lord's bill: It was merely a renewal of an old act of Parliament, with a trifling alteration as to the sum to which it extended.

Lord CARLISLE said, that however he might have differed as to the expediency of the late war in India, when he considered how much it would probably have involved this country, yet he was aware that now it had concluded, some testimony of esteem ought to be shewn to the gallant commander, and the troops that acted under him in India. After apologizing for what he supposed must come of course from Lord Grenville, he moved,

" That a vote of thanks should be presented to the Marquis Cornwallis, for his distinguished military services in India; and also for bringing the war in that country to a happy termination.

His Lordship next moved for a vote of thanks to Generals Meadows and Abercrombie, for their brave and gallant conduct during the war in India. And then,

That a similar vote should be given to Officers, Subalterns, &c. for their meritorious services under the command of the noble Marquis during the war in India.

Lord GRENVILLE expressed his warmest concurrence, and was happy, he said, in having the honour to second the motion.

Lord RAWDON said, though he was forestalled by the noble Lord, who made the motion, still he could not refrain from manifesting his entire approbation of the brilliant services rendered by the noble Earl. He was well convinced of the military talents of his Lordship, while serving in America, who though on that occasion less fortunate, was not the less entitled to his humble encomium, and the approbation of their Lordships.

The Resolution passed *nem. con.*

Lord LAUDERDALE complained of the tedious progress in investigating the merits of the contested elections of Scotch Peers. He had, after mature consideration, conceived a plan that would considerably abate the evil, and would on the first open day make a motion to this effect, when he should also move for the attendance of the judges.

Lord GRENVILLE, after stating his reasons why it was inconvenient to enter farther on the trial of Mr. Hastings before the holidays, moved that their Lordships should, on the first Tuesday in February, resume the trial, and that a message should be sent to the House of Commons accordingly. Agreed to.—Adjourned till Wednesday.

Wednesday, 19th December.

Lord GRENVILLE said, that the vast number of foreigners and aliens now in this country, and the dispositions and practices of some of them had given the officers of Government suspicion of their evil intentions towards this country. He should not enter into the merits of the bill which he now held in his hand, as it was his intention to submit the propriety of having it printed, in order that all the provisions of it might be well understood by their Lordships when the principle of the bill came under consideration at the second reading. The general view of the bill was to provide against any evil that might be apprehended from the great number of foreigners in this country. In former days the prerogative of the Crown of itself governed cases of this nature, and that prerogative was considered to be very extensive; for a length of time, however, this power had not been exercised, and perhaps some might think it obsolete. This bill had no reference to that subject: it neither increased nor diminished the prerogative of the Crown; the law on that point should remain entirely untouched by this bill.

The bill was then read a first time, and ordered to be printed. The title is, "A bill to regulate aliens," &c. It was afterwards ordered to be read a second time on Friday next, for which day, of course, their Lordships will be summoned.

Adjourned.

Thursday, 20th December.

The Marquis of LANSDOWNE said, he came down to the House under an impression that Lord Grenville had moved the second reading of the Aliens' Regulation bill: he was glad to find it stood for to-morrow, and would move that the Lords be summoned. He said he disapproved equally, and would oppose the principle of the bill and all the clauses of it. He was likewise sorry to think that Ministers seemed to hurry it through the House with an indecent precipitation.

Adjourned.

Friday, 21st December.

Lord GRENVILLE having moved the order of the day for the second reading of the bill for establishing regulations respecting aliens arriving in this kingdom, or resident therein, in certain cases,

The Marquis of LANSDOWNE rose. His Lordship observed, that the disturbances in a neighbouring kingdom having driven a very considerable number of its inhabitants into this, it certainly was become a subject of serious consideration what should be done with them. Since his arrival in town he had attended a meeting of one of the charitable societies established for procuring these friendless foreigners relief; and he found that more than one month ago there were not fewer than 7000, he might perhaps venture to say near 8000, persons of this description who had taken shelter in England. Their only resource was in the humanity and generosity of the English nation, which had certainly been nobly exercised in their behalf; but when he should state that the expence of supporting them amounted to nearly 1000*l.* a week, their Lordships must be convinced that the benevolence of individuals must soon become inadequate to the claims upon it, which were daily increasing. He had heard that Ministers had it in contemplation to send these unfortunate refugees to the western part of Canada, there to give them grants of lands, and enable them to form settlements. He very much approved of the measure; but was of opinion, that, before it was carried into execution, this country ought to take some step to try what France might ultimately do for these poor people, whom the ruling powers in that nation had thought proper to banish.

Possibly she might consent to receive them back again, or contribute to the means of their support in exile. How the opinion of France on this subject might be procured was the only difficulty that could be seen in the case. For his own part, he did not consider the difficulty as insurmountable; for we might do that to which he was sorry to find there was an objection—we might send a Minister to Paris to treat directly on this head. His Lordship said that it was not for this purpose alone that he wished to have a communication with France: there was another object which interested every man of feeling, every man of virtue, justice, and humanity—he meant the impending fate of the unfortunate King, whom it must be the wish of every noble Lord in that House, and of every man in the nation, to save from the horrors of that fate which it might be feared awaited him. He was not disposed to flatter that Prince, though if flattery could ever be excusable, it would be when it was offered to a person in distress; but truth compelled him to say, that if ever Prince had merits to plead with his people, it was Louis XVI. During a reign of sixteen years, it was his constant study to make them happy; and during that period he never once, till within the last six months, entertained a thought of consulting his own interest, as distinct from that of his subjects. Such a King was not a fit object for punishment, and to screen him from it every nation ought to interpose its good offices; but England, above all, was bound to do so, because he had reason to believe that what had encouraged the French to bring him to trial was the precedent established by England in the unfortunate and disgraceful case of Charles the First. He believed at the same time that no nation could interpose with so much effect in behalf of the ill-fated Monarch at Paris as the English; for he was fully persuaded that the French entertained a high opinion of the judgement of the English, of their justice, and of their honour, which had been so strongly manifested by the exact neutrality observed by the British Government during the course of the French Revolution. It was the duty of England to stand forward on this occasion to prevent a catastrophe which probably would never have been thought of, had not she brought one of her Monarchs to the block; and it was doubly their duty, as it was probable that, were she to negoti-

ciate for the life of the unfortunate Prince to whom he alluded, she would not negotiate in vain. He was happy in having received the intelligence this day of a nature which gave him ground for hoping that we should not be called upon to act hastily against France; for by a letter from Holland he was assured that our allies, the Dutch, did not consider the opening of the Scheldt as a matter of such consequence as to make them run the hazard of a war for the purpose of preventing it, and that they therefore had determined not to call upon England to assist her in maintaining the exclusive navigation of that river. He did not hesitate to pronounce this a wise determination; and he believed it would have been prudent had they never thought of shutting up the Scheldt. Every one knew that, down from the time of Sir William Temple, the great strength of Holland, the principal source of her wealth, was the fishery, for which Amsterdam was much more commodiously situated than Antwerp. He was not able to see how England had been brought to concur in shutting up rivers; for what nation could derive so much advantage from an open and free navigation as that which carried on the most extensive trade in the world? Of late years a policy hostile to exclusion had begun to gain ground: in the treaty which he had had the fortune to conclude, and which put an end to the last war, he had not lost sight of this policy, for he had stipulated for a free navigation of the Mississippi, though the possessions which we had on its banks were so insignificant as scarcely to be worth mentioning. It was from the navigation of the river, and not from these possessions, that he looked in time for solid advantages to the trade and prosperity of England. He rejoiced that the Dutch had given up the exclusive navigation of the Scheldt, not merely on account of the advantages which we might derive from the opening of it, but chiefly because we should by such a measure be freed from the necessity of going to war. In that case, therefore, Ministers might not find it a difficult matter to reconcile it to their feelings to open a communication with France, and negotiate with her not merely on our account, but on that of other powers of Europe actually at war, and endeavour to prevent the carnage and expence of another campaign. Austria and Prussia must have suffered so much for the last, as not to find it an easy matter to provide

the means of carrying on another at so great a distance from the center of their strength. Germany, he believed, was not prepared to resist the torrent of French opinions, even from the stations which the French armies at this moment occupied, and though they should proceed no farther. Prussia, he would venture to say, would soon return to her old prejudices in favour of an alliance with France, and negociate a peace. Austria would soon be without resources ; for though she was usually strong when she was at war with the Turks, it was not the case when she was at war with France. The reason was obvious ; for when she took the field against the former, her capital generally flowed back into her own country ; but when she acted against the French her money was spent at such a distance from home, that it was scarcely possible it should find its way back. One of the great causes of the present immense wealth of England was the new system of keeping her capital at home, instead of sending it abroad to enrich the lands, commerce, and manufactures of foreign nations : hence it was, that when there was a question of making canals, or opening a new road to speculation, the sums which individuals were ready to adventure were astonishingly great. These advantages would be lost by a foreign war, which would carry the capital out of the country, and enrich other powers at our expence. Our Ministers should, therefore, be very careful how they encouraged Austria and Prussia to prosecute the present war, because it was impossible that those powers should be able to do so without our millions, which, once sent to Germany, would never find their way back to England. For these reasons he was strongly for adhering to the system of neutrality hitherto observed by Great Britain : his voice was for peace abroad, and union at home ; and for the attainment of these objects he thought it would be found policy in us to negociate with France ; we were great, we were powerful ; the French esteemed us, and consequently we might be sure that we should be able to negociate with effect. But as two points in particular, namely, the fate of the King of France, and the situation of the French refugees in this country, were of a very pressing nature, he had drawn up two resolutions on these two points, which he would strongly recommend to the serious consideration of their Lordships. He had taken great

pains in the wording them, for the purpose of removing objections to them on both sides of the water, and rendering them as palatable as possible both to the ruling powers of France and of England. Here he read the two resolutions: one of them recommended that an “ address be presented to His Majesty, entreating His Majesty’s royal interference, by way of negociation, with the persons in the possession of the executive power of France, for the purpose of averting the fate of Louis XVI. ;” and the other was relative to the French emigrants in this country, His Lordship said, he was anxious only about the substance of the resolutions, and should he succeed in procuring the approbation of the House as to that, he would readily consent to any alteration in the words which their Lordships might propose. He had two objects in view: one was to save the life of an unfortunate and deserving Prince, which he trusted might be attained, when it should be known in France that it was the unanimous wish of all descriptions of men in England that he should not suffer; the other, to try if it was not possible to procure for the French refugees in this country some relief from the Government of their own. Both objects he considered as attainable. With respect to the former, he meant that whoever should be sent to France by His Majesty should be allowed all the means likely to render his mission successful: he meant he should be empowered to employ all means short of war to save France, to save Europe, to save human nature from the disgrace of the act which all would deplore, and every one would wish to avert. With respect to the refugees, he declared he was influenced by no one motive that was personal to himself. He must, however, acknowledge, that himself and family, in common with all Englishmen of any distinction, had experienced at the hands of many of those unfortunate people the greatest kindness, attention, and hospitality; to the French clergy in particular they were greatly indebted on this head; for it was well known by all foreigners, that in France it was chiefly the clergy who did the honours of the nation. These worthy and hospitable men, driven from their houses and from their property, had claims upon the generosity of Englishmen, which had been most handsomely admitted, and which he trusted would continue

to be admitted until such time as France would become more just to a most deserving body of subjects, or until England should have furnished them with the means of forming settlements in Canada, and thus providing for their future support. Having thus explained the grounds and objects of his resolution, the noble Marquis concluded by moving,

“ That an humble address be presented to His Majesty, praying that he may be graciously pleased to pursue such measures as in his wisdom he may deem meet, by sending a Minister, or otherwise, to France, to represent his feelings for the unhappy situation of Louis XVI., and to use his best endeavours in exhorting them not to suffer any danger to arise to his person.”

Also, “ That an humble address be presented to His Majesty, praying that he may be graciously pleased to send a proper person to France, to manifest his compassion for the situation of the unfortunate emigrants in this country, representing that they are threatened with famine, but that he is ready to concert such measures as may yield relief to those unfortunate people, by giving them a settlement in the western parts of Canada, and requesting that they may be made some restitution by the French nation.”

He had, after much deliberation, he declared, worded these resolutions, that they might be acceptable to all parties, and he was particularly cautious not to suffer a recognition of the Republic to be involved in the propositions which he had the honour of submitting to their Lordships.

Lord GRENVILLE strongly opposed the motion. He said, though the noble Marquis had taken such pains to render the wording of his resolution unobjectionable, he never in his life heard words that had conveyed so much horror to his mind as those which the noble Marquis had adopted. The manner in which the unfortunate Monarch in question was described, was precisely that which was used by those who were at present heaping upon that amiable Prince every species of indignity. The only appellation they gave him was that of “ Louis XVI.”—an appellation purposely meant to point out the man as distinct from the King, as distinct from the kingly office and dignity, which they themselves had sworn to maintain to him and to his posterity. This

was not the way in which England was accustomed to treat the sovereigns of Europe; and he trusted their Lordships would have too much regard for their own honour, and for that of their country, to adopt the language of men whose actions were calculated to inspire horror and detestation. The objection which he had to the wording went also to the form, without which a negociation could not be carried on. He would suppose for a moment, but merely for the sake of argument, for he considered the thing as really untrue that it was possible to find an Englishman so lost to a sense of honour, virtue, and humanity, as to undertake to negociate with persons of this description. He would ask to whom he should address himself, with whom should he negociate, where should he find the persons on whom the fate of Louis XVI. actually depends? He believed that any man who had attentively considered the fluctuation of affairs in France for some time past would find it a very difficult matter to answer these questions. He had another substantial objection to the resolution, and that was, that, however guarded the noble Marquis had been in framing it, he had contrived, by putting in the words, "consistent with the respect due to an independent nation," to make it amount, at least by implication, to a recognition of the Government at present subsisting in that country. He, for one, would never consent that England should be the first nation in Europe to recognise a Government so created, so established, and so constituted. The noble Marquis had said, that his object in making this motion was to try, if possible, to avert the dreadful fate hanging over an unfortunate Prince; and that he hoped it might be accomplished, when it should be known in France that the English nation unanimously wished that so foul a stain as the execution of that virtuous Monarch should not disgrace human nature. If it was possible that the opinion of England on this point should have such weight on the present rulers in France as to make them, through respect for it, spare the life of a Prince which they cannot destroy but in contempt of justice and humanity; that opinion was already known in Paris: it was well known there, that it was the opinion of every man, in every station in Great Britain, and consequently there was not the least necessity for sending an Ambassador to that city for the purpose of making known

there that sentiment of which no man in France was ignorant. The noble Marquis had thought proper to go into much extraneous matter, and had communicated to the House an article of intelligence, and of no small importance in the present state of public affairs, namely, that by a letter from Holland he had been informed that the Dutch did not consider the exclusive navigation of the Scheldt as a matter of sufficient consequence to warrant them in hazarding a war to maintain it ; and that they had therefore resolved not to oppose the navigation of that river. It was not for him to say what foundation the correspondent of the noble Marquis had for sending him such information ; all he could say, that he, one of His Majesty's Ministers, had received no such intelligence, and was a stranger to any such determination on the part of the Dutch. As little was it for him to look back a hundred years to consider whether it was found policy to allow Holland the exclusive navigation of the Scheldt; or whether it was useful to her ; all he had to consider was, that by a specific treaty she had reserved it to herself ; that by a specific treaty we were pledged to guarantee it to her ; and that should she call upon us for a specific performance of our engagements, we were bound by honour, good faith, and a regard to the general benefit of Europe, to stand forward and fulfil with fidelity the sacred obligation which we had contracted to prevent the opening of the Scheldt against the will of Holland. The noble Marquis had thought proper also to make many observations respecting Prussia and Austria. What steps these two powers would deem it prudent to pursue, was not for any one but themselves to say ; no doubt but they would be governed in the adoption of measures by a due regard to their own honour and safety, and the general security of Europe. With respect to the French refugees who were the subjects of the second resolution, he had to observe, that it was the peculiar distinction of England, that when they were driven from almost every other country in Europe, they had found an asylum here, and experienced the generosity and hospitality which were the pride and characteristics of Englishmen. He would never consent to forego that proud distinction, by sending an Ambassador to France to ask leave for England to be charitable and humane. He would not ask her leave for England to bestow upon these unfortunate

men whatever in their liberality Englishmen should be disposed to give them ; it would be a degrading step to England to send a Minister for such purposes. The dignity of the country would be sullied if either of the measures pointed out by the resolutions of the noble Marquis were adopted, and therefore he was determined to give his negative to both.

The Duke of NORFOLK admitted that there was ground for some of the objections urged by the noble Secretary of State to the wording of the resolution then under their Lordships' consideration. He thought, however, that if the substance should be deemed unobjectionable, the wording might be so altered, as to insure a general concurrence in favour of the measure proposed by the noble Marquis. He felt that it was indecent the unfortunate Prince in question should be styled simply Louis XVI., but this difficulty might be easily removed either by the insertion of the words "The Most Christian King" before the name, or by entering on the Journals a declaration that it was through compassion for the state of the Most Christian King, that the resolution, as proposed by the noble Marquis, had been carried. The noble Secretary of State had asked to whom an Ambassador should address himself in France, and where he should find the persons on whom the fate of Louis XVI. actually depended. The answer was pretty obvious ;— every one knew there was in Paris a Minister for Foreign Affairs, to whom our Ambassador would of course address himself, and who would communicate his dispatches and conferences to the Executive Council, or, if necessary, to the Convention. His Grace was of opinion, that a direct communication with the people in power in France might be productive of the most happy consequences : our Ambassador might be able to press upon them, how injurious had been to England the precedent on which France seemed at present to be acting ; what calamities it had brought upon her ; and how soon she had been obliged to restore monarchy in order to put an end to anarchy at home. Reasoning by analogy he might shew that France would not only do a humane and a just act in sparing the unfortunate King's life, but that it would be her interest to do it. Such a mode of proceeding could not hurt the pride or independence of France on one hand, or sink the dignity of England on the other ; for as our Ambassador would have ne-

thing to ask for his own country, it would appear that his mission could have no other object than that of humanity; and there was reason to hope that so disinterested, and at the same time so honourable an embassy, would be likely to be productive of that happy issue which every noble Lord, and every man in the nation most earnestly wished for.

The Marquis of LANSDOWNE did not expect to have heard so much, and in such lofty terms, of the dignity of this country, and refusing to treat with other powers. The present instance recalled to his memory the proceedings of this country previous to the American war. The same abusive and degrading terms were applied to the Americans that were now used to the National Convention, the same consequences might follow. As to Great Britain letting herself down by negotiating with France, he could not see how such an expression applied, when we were asking nothing for ourselves by that negotiation, nor supplicating them but for their own benefit. This opinion of dignity put him in mind of the old story of the Spanish Grandee, who dismissed his servant because he touched him to save him from falling. As to the question of, Whom are we to negotiate with? he thought it was of no consequence with whom, for if the end proposed by sending an Ambassador was good and laudable, every means ought to be taken, and every person negotiated with, that could obtain that end. As to the National Convention, and those who composed it, he did not know that they were such characters as they had been called; he could not believe so, and as a gentleman and a foreigner he would not say so. Many of their decrees he deprecated, but many traits of nobleness of sentiment and character had likewise appeared in their proceedings. Though the conduct of this country now resembled the conduct which began the American war, there was this difference in the Administration, that the Minister of that day acted on more conciliatory principles, and the Ministers at present were determined and obstinate in all they did, and against every other country that they had any thing to do with.

Lord SYDNEY spoke against the motion.

The Duke of NORFOLK, perceiving by the disposition of the House, that the motion was likely to be rejected, rose to request that the noble Marquis would rather consent to

withdraw it, than run the risk of having it negatived. The consequence of its being negatived might be fatal to the unfortunate Monarch whom they all wished to save; for if, on the one hand, it might be of service to him that it should be known in France, that all England wished unanimously for the preservation of his life, what might be the consequence, if it should be known, that a motion for interfering to preserve that life had been actually rejected by the House of Lords?

The Marquis of LANSDOWNE said, that what the noble Duke had just urged had great weight with him; he was therefore determined to comply with the Duke's desire, and to withdraw his motion; however, he by no means abandoned the object of it;—on the contrary, it was in the full confidence that His Majesty's Ministers would somehow or other make known to France the wishes of the House on this head, that he consented to withdraw the motion.

The Marquis of LANSDOWNE rose again, and moved his second resolution respecting an application to France in favour of the French Refugees. On the subject of sending ambassadors in similar instances, he quoted the precedent of the Dutch Ambassadors sent to this country during the imprisonment, and immediately before the execution, of Charles the First.

Lord LOUGHBOROUGH had not heard any argument of policy stated for this motion, and would of course oppose it. It had rested entirely on humanity and liberality, though he feared much, even considered in that point of view, it would be of very little effect to take the step proposed. As to the precedent quoted by the noble Marquis, it was observable that these Ambassadors from Holland presented themselves on the 29th of January, and the very next day the King was executed; and how did they know that the same thing might not happen in France if we were to interfere? As to the emigrants, many of them suffered for conscience sake and a sense of honour; their case was certainly hard, but not likely to be favoured by those who now composed the Executive Government of France. He said there was no man whose mind was not tainted with principles which he chose rather to allude to than enlarge upon, who could look upon the Emigrants with an evil eye; in his opinion, there was nothing to

be feared from them. There was in this motion a double intention ; first, to obtain relief for the emigrants ; and secondly, as a conciliatory measure towards the present Executive Government of France. These he considered as the motives ; now as to the first, the extensive confiscation and general sweep of their property gave us little to expect ; in fact, it was interfering when the mischief was done ; and as to the other, there was as little to be expected in that way. He was surprised to hear the word famine introduced into the motion ; there might be many in want, but there was, thank God, no such thing as famine in this country. The Ministers with whom we would have to negotiate, were not Members of the Convention, and the Convention had already applied great part of the property of those emigrants ; and asking to assist you to colonize in Canada these very men whom they had driven out of the country, and whose property they had confiscated and applied, was a proposition too absurd to think that they could agree to it.

The Marquis of LANSDOWNE made a short reply. He thought whatever was done by this country would have a great influence in France. He never meant to demand a restitution of their property to the emigrants, but he thought either a fair indemnity, or some allowance might be obtained for them by our interference. He had no suspicions of fears from their conduct ; but amongst 8000 men, there must be many opinions ; and when those men had their existence and dependence entirely on the Crown, if something was not done to put them in a different situation, it was impossible to say what the consequences must be. The young were the only part of them that he had ever meant should be sent to Canada ; the old, he trusted, would be maintained, and suffered to linger out their painful existence in this country.

The Duke of NORFOLK opposed the motion, upon the idea that it was interfering with the internal Government of France, in which we certainly ought to observe a strict neutrality. With regard to the cruelties committed in France, and the confiscations of property, we were furnished with no proofs of them ; nor ought complaints against a whole nation on account of those, to enter into our debates. He referred to a letter which he lately received from Paris, stating what

was said there about the opinions in this country, and that there were many here ready to join the French for universal republicanism. He reprobated the march of the Duke of Brunswick and his army into France, as the cause of all the consequent mischief; and regretted that the English newspapers were so strictly prohibited in Paris, else they would see, that whatever opinions prevail on other points, the people of this country, of all ranks, parties, and descriptions, were united to support and preserve the British Constitution.

The motion was then put, and negatived without a division.

The order of the day for the second reading of the bill establishing regulations respecting Aliens arriving in this kingdom, or residing therein in certain cases, being read,

Lord GRENVILLE, in a speech of considerable length, opened the object and intention of the bill. In consequence of the order of things that for some years past had prevailed in a neighbouring kingdom, if, indeed, to such a situation of things the word order could in any sense be applied, many of the natives of that kingdom had found it necessary to seek refuge in this. In all the revolutions of parties that occurred in that country, those who had been at one time in the direction of affairs had been compelled by their victorious opponents to abandon their country; many of them, however erroneous in principle, and on that subject he should make some distinction, were undoubtedly innocent in point of intention. This country now enjoyed the proud distinction of being almost the only nation of Europe that continued to afford them an asylum. From other states, impolitically perhaps in his opinion, they had been ordered to withdraw. To such men so situated, we should undoubtedly be desirous of affording hospitality and the protection of British compassion, and of British law, as far as we could do so without endangering our own internal safety. But with these were mixed men of a different description, against whose machinations it behoved us to guard. The events in France, at which humanity shuddered, were too well known for him to enlarge upon. He did not mean to confound the principle with the acts; nor to impute the commission of these horrors to the twenty-four millions of the French people collectively. Far be it from him to charge such crimes

on a whole nation. But the crimes had been committed, and he knew a subject on which he could say more if this were the proper time or place; that many of the persons who had been most active in the commission of those crimes were now in this country; that they were connected with persons in this country inimical to the established Government; and were abetted and supported by men, who either now, or formerly, exercised considerable authority in France. He insisted on this point at some length; and said, that there undoubtedly had been a design to produce, by foreign emissaries, a repetition in this country of the dreadful scenes that had afflicted France. The deluded and mistaken people of that country were taught to believe that the people of this country were ready to adopt all their principles, all their extravagance, all their fanaticism. Under these circumstances, while it was honourable to our rank among nations, and our feelings as men, to alleviate the misfortunes of the innocent, was it not necessary to guard against the machinations of those who had come among us for the most mischievous purposes, and with the most wicked intentions? He then explained the several enacting clauses of the bill—that an account and description shall be taken at the several ports of all foreigners arriving in the kingdom; that foreigners shall not bring with them arms or ammunition; that they shall not depart from the place in which they first arrive without a passport from the Chief Magistrate, or two Justices of the Peace, specifying the place they are going to; that on altering a passport, or obtaining it under a false name, they shall be banished this realm, and if they return, be transported for life: that the Secretary of State may give any suspected alien in charge to one of His Majesty's messengers, to be by him conducted out of the realm; that His Majesty by proclamation, Order in Council, or Sign Manual, may direct all aliens who have arrived since January, 1792, other than merchants, and their menial servants, to reside in such districts as he shall think necessary for the public security; that such aliens shall give an account of their name and places of residence to the Chief Magistrate, or Justice of the town or place; that they shall, within a limited time, give an account of all arms and ammunition in their possession, or kept by others for their use, and deliver up the same, except such as shall obtain a li-

cense from the Secretary of State. He then entered into an inquiry respecting the prerogative of the Crown, on the object of the bill, and observed, that although the prerogative by long disuse had not become obsolete, yet the means of acting upon it were subject to difficulties, and hence arose the necessity of the present bill.

The Duke of PORTLAND said, that after what the noble Lord had said, it was unnecessary for him to enlarge upon the subject of the bill. He approved of it, because he thought some measure of this sort necessary to quiet the alarm that had been excited in the minds of the people. It was not on account of any personal attachment to the present administration that he supported it. He could not forget the manner in which they came into power; he could not forget the many circumstances in their conduct by which, in his opinion, they had forfeited all title to the confidence of the nation. He could not forget that to their misconduct many of our present difficulties were owing. It was not in order to court popularity that he now came forward, but because he thought the bill would restore security and quiet to the minds of the people; and therefore it should have his hearty concurrence.

Lord LAUDERDALE said, that before such a measure was proposed, their Lordships might have expected proofs of the danger to be laid on their table. On the mere assertion of Ministers, however, he was ready to concur in the principle of the measure, agreeing with his noble friend, the Duke of Portland, that an alarm having been excited in the minds of the people, no matter whether well or ill founded, great attention was due to quieting that alarm. He observed that Lord Grenville, in some parts of his speech, had departed from the moderation which he had expressed when he candidly said that he did not impute the crimes committed in France to the whole people; that he did not charge 24 millions of Frenchmen as accomplices in the guilt. All expressions tending to irritate and inflame ought carefully to be avoided, especially when the two countries had no means of coming to an explanation by Ambassadors, on any misunderstanding that might arise between them. It was undoubtedly true that the acts of horror committed in France, were not the acts of the French people, but of a very small number of wretches; whom, for the honour of

the nation and of human nature, every man must wish to see exterminated. It was equally true, that there was not a man in any situation of power, at this moment in France, who would not cordially join in this wish. He had heard in another place, that the *Moniteur* and the *Morning Chronicle* were at present the only sources of information, the only organs of communication between France and this country. Should they continue long to be so, without any imputation on the intentions or the conduct of the respective editors, there was not much hope of preventing disputes, or adjusting those that had arisen. To the clauses of the bill he had many objections, which he should state in the Committee. The first description of emigrants mentioned by the noble Lord (Grenville,) were entitled to our utmost compassion, and even delicacy.—Driven from other countries, they had come to this in hopes of being able to live in inoffensive retirement, and keep their names, their rank, and their misfortunes unknown to the world, till their native country should deem it safe to receive them. To oblige such persons to give a minute account of what they might have innocent, nay laudable motives for wishing to conceal, would be in itself a great hardship.

Lord GRENVILLE said, it was his wish to diminish, and not to increase irritation between the two countries, and so, he hoped, he had expressed himself.

The Duke of NORFOLK said, he did not mean to object to the principle of the bill; but that he lamented that for want of a proper intercourse between the Governments of England and France, by means of Ambassadors, the people of both had very mistaken notions of each others opinions and characters. In England it was absurdly thought that the French were a nation of murderers, though he believed there was no country where the late shocking murders were viewed in a more horrid light by the bulk of the people and by the Government. In France it was no less absurdly believed that the people of England were all disaffected to their Constitution, and waited only for the appearance of some French auxiliaries to rise as one man, and pull it down. They perhaps would be roused from their fond delusion by the voice of loyalty echoing through every part of the kingdom, and breathing the most fervent attachment to the King and Constitution.

The Marquis of LANSDOWNE considered the bill as a suspension of the *Habeas Corpus* act, which, though it extended at first only to foreigners, would, he feared, be afterwards extended to all Englishmen. Such a measure as this was without a precedent, and evidence ought to have been laid upon the table to prove the existence of such a danger as would justify the remedy. That evidence ought to have been referred to a Committee, where such a bill as would suit the emergency of the case might have originated. At present the House had nothing to go upon but the bare assertion of the noble Secretary of State; and in a case where the liberty of great numbers of persons would be placed at the mercy, and consequently at the devotion of the Crown, it did not become him or the House to give their confidence to Ministers merely on the credit of their own assertions.

Lord HAWKESBURY admitted, in reply to the Marquis of Lansdowne, that the present bill was without a precedent; but then it must be admitted to him, that the case was equally novel and unprecedented in the annals of this or any other country. As to the objection made by the noble Marquis, that evidence of the danger ought to be laid upon the table, he would not allow it to be well founded, for the production of evidence might defeat in a great measure the good expected from the bill.

The Duke of LEEDS said, that as he probably should not be present at any stage of the progress of the bill through the House, he would take that opportunity to declare, that it had his most hearty concurrence. His Grace said, he lamented as much as any man, the melancholy situation of the Royal Family of France; and he pitied the distresses of the refugees, many of whom he highly respected and had known abroad; but still he would always be so much of an Englishman, as to believe it unlikely that a Frenchman should be a friend to England; he would make them experience all the warmth of British hospitality; but still he would look upon them with an eye of jealousy, and take care that they attempted nothing against the safety of this country. He expressed his surprise how so many of them had contrived to come into England with arms; he had read with astonishment of a considerable body of French dragoons, who, it was said, were on their way to join

the army of the Princes, and yet they had unaccountably landed in England with their arms. He had heard from a noble Marquis (of Townshend) that some had landed also on the coast of Norfolk, who were, however, disarmed. If such people entertained any designs against the country, he trusted that the loyalty which pervaded every part of the kingdom, together with the assistance of this bill, would completely defeat their hopes of success.

Lord STORMONT said, the bill was no more than a measure of self-defence. Without depending solely on the Moniteur and the Morning Chronicle, the disposition of those who exercised power in France might be learned from their own authentic acts, and surely it was not an injurious mode of expression to quote their own public declarations. They formally renounced conquests, but they also declared war against all Kings. From all the circumstances there was cause for alarm. He should have thought the danger great had Ministers been blind to it; but as they had seen it, and taken measures to prevent it, his alarm ceased.

The bill was read a second time, and ordered to be committed to-morrow.—Adjourned.

Saturday, 22d December.

This day their Lordships met to discuss the Alien bill, clause by clause, in a Committee of the whole House, previous to the third reading.

The order of the day being read for a Committee of the whole House on the Alien bill,

Lord SPENCER rose to state his sentiments on the principle and operation of the bill in question. In declaring that it met his hearty concurrence and support, he trusted, that noble Lords with whom he had been in the habit of voting, would not impute his secession on this occasion to a dereliction of principle, or to a diminution of the respect he had for their virtues and abilities, but to a conviction, that the present awful and unprecedented crisis of affairs required extraordinary measures to allay the discontents of the people, and to counteract the machinations of our enemies. For these salutary purposes, his Lordship was of opinion that this bill was peculiarly

adapted. He reminded Ministers of the power it invested in them, and cautioned them against an abuse of that confidence which the nation reposed in them. While they were called upon to act with firmness and energy, they were equally called upon to act with temper and moderation.

Lord GRENVILLE complimented the noble Lord on his candour, and assured the House, that Ministers were actuated solely by a sense of public duty in adopting this extraordinary measure, which they conceived would be efficacious in preserving the tranquillity of the kingdom, and repelling the fanatic enthusiasm of those who wished to subvert all order, laws, and Government.

The House then resolved itself into a Committee, Lord Cathcart in the chair.

The Marquis of LANSDOWNE had still a few remarks to make on this bill, of which he reprobated the principle, construction, and operation, in its progress through the Committee. After the ill success he had the preceding evening, he despaired making any converts to his opinion. The noble Marquis then commented with great ingenuity on the most exceptionable clauses, which, if removed, he said, would render the bill less baneful in its consequences. Those unfortunate refugees, who were the object of these restrictive provisions, could not be expected to pay inordinate fees to Justices on taking out their passports to protect them to the internal parts of the kingdom. He would therefore propose, that those expatriated men should be furnished with passports without fee or reward; and appealed to their Lordships who had been on the Continent, whether passports had not been invariably granted them gratis? Surely persons in indigent circumstances, who depended on our bounty and hospitality for support, had a prior and indisputable claim to this exclusion.

The clause which authorised Custom-House officers to seize arms, especially such as were appendages of dress, was fraught with absurdity. A recent instance of it had occurred to his knowledge: A gentleman (the Marquis de Rambouillet) of whom the noble Marquis said he had experienced much civility and friendship, immediately on his landing at Dover was deprived of a sword which had been presented to him by a body of merchants for his conspicuous virtues and the signal ser-

vices he had rendered them, so that when he arrived in London, for want of this Court appendage, he was unqualified to be introduced to His Majesty at St. James's. He had applied to the Secretaries of State to have it restored, but he had not yet received that token of his meritorious services. In pursuing this laudable endeavour, he disclaimed all party connection and popular applause; he only wished the end to be accomplished, leaving to Ministers the whole merit of rescinding the exceptionable parts, and to himself only the gratification of having suggested them.

The noble Marquis was proceeding in his observations, when

Lord THURLOW hinted, that these remarks ought to be reserved till the clauses to which they were applicable occurred in the Committee.

Lord LANSDOWNE said, that he introduced those animadversions merely that noble Lords might have time to revolve them in their minds previous to a final determination.

In the progress of the bill in the Committee, a conversation between Lords Thurlow, Loughborough, Kenyon, Hawkesbury, Grenville, Carlisle, Lauderdale, &c. &c. &c. took place, in the course of which a variety of amendments in point of wording was proposed, chiefly by Lords Thurlow and Loughborough. The Marquis of Lansdowne and Lord Lauderdale were the only two that dissented in point of principle and operation.

The bill having gone through the Committee with considerable alterations, was ordered to be engrossed, and read a third time on Monday.—Adjourned.

Monday, 24th December.

Lord KENYON, as Speaker of the House, stated that he had received a letter from General Meadows, expressing his high sense of the honour conferred upon him by their Lordships' vote of thanks.

The report of the Committee on the Alien bill was brought up, and the several amendments agreed to. The bill so amended was ordered to be printed, and read a third time on Wednesday. Adjourned till

Wednesday, 26th December.

Lord HAWKESBURY (in the absence of Lord Grenville) moved the order of the day, that the bill for establishing certain regulations respecting aliens be read a third time.

The Earl of GUILDFORD said, their Lordships might ask why he opposed the third reading of a bill, to the principle of which he had not objected when it was read a second time? He had expected, that in the progress of the bill through the House, proofs of the necessity that called for it would be adduced. Long and habitual deference to the opinion of the noble Duke (Portland) who, when the grounds of the bill were opened by a noble Lord now absent, declared that he thought some such measure necessary, had induced him to acquiesce in that opinion, hoping that the bill would be so modified as to remove the most material part of his objections. In that hope he had been disappointed, and he was sure the noble Duke, far from disapproving of his now declaring his sentiments, would entertain a less favourable opinion of him, if, from deference to any authority, he were to suppress them. He did not wish, after what had already passed, that the bill should be rejected. He desired only that their Lordships would take time to inquire into the causes alleged for so strong a measure, and endeavour to remove from it whatever should be found more rigorous than the occasion demanded. It was the boast of our Constitution, that, to every man living under it, it extended the equal protection of the law; for violating this justly-boasted principle, they had as yet nothing of proof, nothing of direct and positive assertion on the part of Ministers, nothing but vague, alarming, ambiguous insinuations. It might have been expected, that of the insurrections alledged at the opening of the session, for assembling Parliament in an extraordinary manner, some at least would have been proved to exist. Their Lordships had been able to discover none; and of none had they yet been furnished with any thing that deserved the name of information. Was it consistent with their Lordships' dignity or their justice to proceed on such unexplained, unsupported insinuations of danger, to deprive men who had thrown themselves on the hospitality of the country, of the ordinary protection of the law. He had the utmost respect for the veracity of the noble

Lord who opened the grounds of the bill; but it would be a dangerous precedent, indeed, for their Lordships to take the individual veracity of any one of His Majesty's Ministers as a sufficient foundation for a public measure. What were their Lordships going to do? On the mere pretence that there were foreign emissaries in this country, for the purpose of disseminating Jacobin principles — principles which he, for one, should never admit to have any connection with republican principles; for robbery and murder, and every doctrine that led to them, republicans disclaimed; they were going to deliver up men who had sought refuge from persecution and oppression, to the sole discretion of the executive power. But the humanity of Ministers, it was said, would be their protection. He would never consent to deliver up one man to the humanity of another. One of the extraordinary penalties of the bill was banishment. Would their Lordships banish men who had been forced from their own country, and whom they were told no other country would receive? Where were these exiles to look for refuge? In Brabant they could not be safe; were we sure that Holland would be more liberal than most of the other powers of Europe? The cruel imprisonment of La Fayette would warn them against approaching any country occupied by a German army. But it might be said, let them comply with the regulations of the bill, and then they would escape the penalty of banishment. Was the case so? Did not Ministers, by the bill, reserve to themselves the power of sending any alien out of the kingdom, whom they might think fit to suspect? — Such persons they were to send away in a manner suitable to their rank. Who were to be the judges of this, as well as of the suspicion in which they were so removed? Ministers or their agents. Their Lordships had no security but in their moderation, and ought to take care that the country was not disgraced by the inhospitable transportation of persons who had thrown themselves on our hospitality. Ministers, it would be said, were responsible for their conduct. Responsible, indeed, in their characters and reputation; but, under the present bill, other responsibility, he maintained, they had none. After passing a bill, which suspended the ordinary laws of the land, on an alledged alarm of danger, could their Lordships punish a Minister, because his suspicions were more alive, and his

alarm greater than their own. Yet this, in almost any possible abuse, would be his only crime. He therefore exhorted their Lordships to take time for inquiry, and to beware of imitating the rash conduct which they so much condemned in the French. If, on due inquiry, they found some such bill necessary, let them next endeavour so to frame it, as to point only at the persons who were the real objects of it, and to exempt from its operation those whom it was not meant to affect; who, instead of being objects of suspicion, were entitled to compassion and protection. He concluded with moving, "That the bill be read a third time that day fortnight."

Lord HAWKESBURY said, that to disclose the information which the noble Lord seemed to require, might defeat the object of the bill. It was a measure called for by public necessity, and justified by the right of self-defence, which every nation was allowed to possess. Their Lordships, in passing the bill, were only enabling the country to continue hospitality to persons whom other countries had thought it necessary, for their own safety, to exclude or remove. He contended, that without such precautions as the bill contained, there would be danger from the principles which those persons might propagate, and referred for the proof to the decrees of fraternity with the people of other countries, passed by the French Convention.

The Earl of LAUDERDALE said, it was extremely unpleasant to be obliged to allude to a former speech of any noble Lord in his absence. He regretted the absence of the noble Secretary of State (Grenville), and the necessity that obliged him to refer to his speech on opening the grounds of the bill. He, with the noble Duke, (Portland) was willing by any reasonable measure to quiet the alarms in the minds of the people, alarms which, in his conscience, he believed industriously excited and kept up by Ministers. But when he saw such a bill as this, a bill that altered the established laws, that even interfered with treaties, and all this to provide against the suspected intentions of about nineteen persons, the whole number alledged by the noble Secretary of State on opening the grounds of the bill, he could not help thinking that it was part of a chain of measures, purposely calculated to excite alarm among the people, and by rousing their passions, to extinguish their rea-

son. Would any man, who had viewed the conduct of Ministers for some months past, say that they had not good occasion for doing this ; that they had not cause for wishing to surprise and oppress the reasoning faculties of the people, or to divert public attention to any object, rather than suffer it to rest on themselves ? In the course of a few months they had lost many opportunities of preserving the peace of Europe, and preventing that extraordinary state of things, of which no man could now venture to foretel the issue, while, from neglect or incapacity, they had been pursuing their private pleasures and amusements, leaving public affairs to the course of events. It was but lately that they put the country to the expence of an armament and the risk of a war, to prevent, as they then said, the aggrandizement of Russia by the possession of Oczakow. In the debates upon that occasion, it was asked of those who opposed the armament, Would you suffer Russia to get behind Poland ? Do you see no danger to the balance of Europe from such an extension of territory in such a quarter ? Had Russia since obtained no aggrandizement, no additional preponderance in that quarter ? And had Ministers done any thing to prevent it ? Could they clear themselves from the suspicion of being parties to it ? One of two things then followed—either that their armament about Oczakow was an unnecessary and ridiculous expence, or that they were too impotent or too idle to act during the whole of the last summer. What had they done in Ireland, where things certainly were not in such a state as might be wished—where the people were complaining of an oppressive pension list ? They had meditated an addition to the grievance ; that now was happily over ; but where there was well-founded cause of alarm, they durst not say there was ; here, where there was none, they endeavoured to raise it, to blind the judgement of the people, and prevent them from examining the conduct of those to whom the administration of affairs was entrusted. The people too might recollect that the present Ministers had increased the emoluments of their own situations beyond those enjoyed by any former Cabinet, and compare the reward with the services performed. For all these reasons, it was natural for Ministers to wish to divert public attention from themselves. Surely they must have some secret motive ; for on no public motive was their conduct to be accounted for ;

and there was none more probable than that which he had suggested. This was farther confirmed by comparing what they did with what had been done without doors—with the associations formed on pretence of aiding the executive Government. With all possible respect for the individuals who composed the first of these Associations, he could not help thinking that he read a libel on the Government, when he read their advertisement, importing that the Government was in such a situation as to want aid, and to derive what it wanted from a society of eighteen men. What was the principle of these Associations? Was it not to do what had been reprobated so justly in France, putting the country under the government of clubs? When he saw Ministers, without any reason that would bear to be examined, or even explained, pressing a measure, as essential to the safety of the country, which admitted of no defence on justice, but only on expediency, he could not help fearing that they meant to occupy the attention of Parliament on another object, while they were going to force the country into a war. No man could talk of negotiating to avert so great a calamity, without being accused of proposing an alliance with France, although no two things could be more distinct. That war might be averted he had no doubt. To negotiate, it was said, would be to acknowledge the power with whom we negotiated. If we admitted an explanation, which it would hardly be contended we ought not to admit, we as much acknowledged the power of those who offered it, as by sending an Ambassador to negotiate with them. When men's passions had time to cool, and gave free scope to their understandings, when they consider the advantages we had derived, and might still derive, from a wise neutrality, he was confident that every man in this country would condemn entering into a war, without first taking every practicable and honourable means to avoid it. The French had committed no invasion on our allies; and he sincerely believed they had not a plan which they might not be suffered to pursue, even with advantage to us, if we persevered in our neutrality. He agreed with the Earl of Guildford in his objections to the bill, and on the propriety of deferring the third reading.

The Earl of CARLISLE rose to defend the bill, which had, in every respect, his perfect concurrence. He did not

mean to follow the noble Earl who spoke last, because he thought if he went into any discussion, either of the Russian armament or the situation of Ireland; that he would be going very wide from the question. He said, though not accustomed to agree with the present Administration, yet he had supported, and would support their measures in this instance. He thought the arguments and the terms used by the noble Earl against this measure did not at all apply, and by supporting it, he would not incur any charge of inconsistency, because he was firmly persuaded it was necessary. He had no scruple in saying that he had often thought a change of Administration was the only thing that could be of essential service to the country. But his opinion was not altered; yet at this juncture he was afraid that a change of Administration might bring about a change of measures, and that, he thought, would be of very dangerous consequence. If there was to be a change of Ministers, it might naturally be supposed that the first act of another Ministry would be to negociate with France, and this of all things was what he never wished to hear of, because it would only tend to strengthen our enemies, and could be of no use to ourselves. For these reasons his Lordship was disposed to give all the aid he could to the Executive Power, conscious, at the same time, that having given to it upon this emergency an extraordinary degree of power, it was the duty of Parliament to watch the exercise of that power, and not to let it extend or continue beyond the time that appeared absolutely necessary.

The Marquis of LANSDOWNE said, he was happy to follow in argument and in sentiments the noble Earl who made the motion, and the noble Earl near him, who had so ably supported it, though he was, at the same time, convinced, that the House, as had been properly observed by one of those noble Lords, seemed already to have made up their minds upon the subject. That, however, would be no reason for him to withhold his opinions upon the present question, more than upon questions in which he expected greater success. It recalled to his memory the opinions delivered in and out of that House, about the commencement of the American War; at that time, and for some years, there was but one man in the House of Commons who would fairly and frankly assert that

America ought to be independent; and yet, though the opinion of this great country seemed at that time so much against that doctrine, we afterwards repented of the insolence with which we treated the Americans, and were absolutely happy to renounce our former errors, and acknowledge that which once was thought in this country as improper to be mentioned as impossible to be obtained. He had observed a cry of order in the House, when the noble Earl was speaking, as if the noble Earl had spoken of matters foreign to the question then debating; but he would ask if any thing could be reckoned irregular or foreign to debate, when the extraordinary manner in which Parliament had met was considered. On such an occasion must noble Lords talk of no country but Britain? and that because a Secretary of State had chosen to bring in a bill to provide against grievances which were supposed to exist, but of which noble Lords knew nothing? and were they to be confined to the discussion of supposed insurrections in this country, merely because they knew of none? he hoped they were not, and therefore saw no reason for such a call of order. Ministers were fond of large words, and of carrying matters with a high hand; but in his mind, when they had created such fears and alarms all over the country, the noble Earl was justified in stating, that the people had a right to be satisfied, and to know whether there was any real danger to apprehend, or whether Ministers excited alarms to draw the attention of the country from their own conduct, by awakening their passions, and lulling their judgements and reason to sleep. He was against this bill because he was persuaded there were no grounds whatever for it; and he was sure, had they any ground that they dare state, they would not venture upon a measure in direct violation of law, without producing that ground. He could not believe that even if there were eighteen or twenty persons in the country of the description that had been alluded to, that their power or influence was such as to induce Ministers to infringe upon the laws of the country, by bringing in this bill merely on their account. He had no doubt but, if the bill passed, there might be twenty, thirty, or forty foolish and idle Frenchmen taken up; but that would not convince him of the necessity of such extraordinary measures as had lately been followed. He adverted to its having been said that Go-

vernment or Ministers had no other mode of communication than by newspapers between the countries ; and here he would beg leave to read to their Lordships an authentic letter from the Minister of Foreign Affairs to the National Convention, inserted in the Gazette Nationale, 10th December, before any of the alarms or fears had taken place in this country. In this letter the Minister had communicated to the Convention, that he had been charged with sending a person, named Achilles Vierre, to London, who had been connected with others in England, that were engaged in a conspiracy against the country. He therefore explained to the Convention that he had given a passport to this person upon very good recommendations ; but he afterwards had found out that he knew nothing, and did nothing that was worthy the notice of either that or this country. Now the Marquis begged noble Lords to consider, that the conspiracy supposed to be forming was against France, and not against this country.

He likewise observed that this explanation to the Convention was not in consequence of any requisition on the part of England, but merely to justify the Minister's conduct to the Convention ; and as to the veracity of his statement, it was worthy of remark and serious attention, that the Ministers there, in whatever department they might be, must take good care to advance nothing but truth ; for the individual Minister who ventured to do otherwise was liable to the detection of the Diplomatic Committee, or any one of them, and the moment a misstatement was detected, punishment would certainly follow. He replied to the arguments used by Lord Hawkesbury —Whatever had been read of the transactions of France, he totally disbelieved that Ministers had any real grounds for this measure, and knew the French would go so far, instead of offending this country, in order to comply with its wishes, that they might, he had no doubt, have given up their intention to open the Scheldt. Besides then, having no grounds for this bill, another very alarming fact had been stated in argument by the noble Earl (Lauderdale) ; and that was the dangerous precedent that they were about to establish, if upon no other ground or authority than the mere word or suspicion of a Secretary of State they were to overturn, and set aside the law of the land. He considered this bill in no other light than a partial suspen-

sion of the Habeas Corpus Act ; and if Ministers had any information of intrigues being formed in this country, between foreigners and persons of the country, they were extremely to blame for not suspending the Habeas Corpus Act entirely, which would have been the proper and necessary measure, but not a measure to be adopted upon the mere suspicion of a Minister. With regard to the suspension of that act, he would desire noble Lords to look back to the rebellion in 1745, when, upon September 5, the King had sent to acquaint the Lord Mayor of London that the Pretender's son had landed with a body of troops in Scotland, and that the country was in a state of rebellion. Notwithstanding this, he begged they might observe how Ministers acted at that time, which might be in the recollection of some of their Lordships. Did they summon Parliament upon a thirteen days' notice, and alarm the country ? Certainly not. They stuck by old established constitutional rules, and the Parliament did not meet till the 17th of October, and the next day the Habeas Corpus Act was suspended for only six months ; but the present Administration despised such conduct, and, after owning that if they could not have fallen upon the shift of embodying the Militia as a pretence for calling Parliament together, they would have done it of themselves, and trusted to an act of indemnity—had thus alarmed the whole country, and having got Parliament in some shape huddled together, they come forward to propose a suspension of the Habeas Corpus Act for more than a year and a half, and he saw no other motive for these measures but the desire of exciting alarm, and disturbing the tranquillity of the country, in order to divert the attention of the people from their own conduct. It had been said, that England had acted differently from other countries with regard to France ; but it was the glory of England, that in all material points she differed from other nations. Here he quoted the authority of Lord Chief Justice Fortescue, in the reign of Henry VI., upon two points, particularly 1st, That there was no ground for the bill, and 2dly, That it was establishing a very dangerous precedent. He argued the danger of putting so great a number as 8000 persons, who were now in the kingdom, under the power of the Crown, and had no doubt but, after this bill passed, they would increase ; and though no one could bring even a sword into

the kingdom, they might all be armed by the Crown at any time. After all, he said, he must recur to what he had stated on the first day of the Session ; that the only clue to unravel the conduct of Ministers was war ; for war they certainly meant, and were determined upon. This was the key to unlock all their mysterious reasoning, and the clue to all their windings in political measures. This resolution to bring on war he considered as highly alarming to the interests of the country, while nobody could say that any thing could possibly be gained. As to the balance of trade, on which so much stress was laid, he said it was a balance of air and a balance of paper—to day he could see, that Ministers had found out that our alliance with Holland, and the faith of a treaty to support another treaty made 150 years ago, would not answer as a pretext for war, and had adopted another language, and substituted the security of Europe, as wide and indefinite words as they could have thought of ; in his opinion, it was always dangerous to allow such terms to go abroad, being so liable to different interpretations. He detested such publications as Paine's Rights of Man, though there were no terms in that publication more vague and more liable to misconception than the security of Europe. Were we to ask Russia what it means, she would probably tell us, that it was the subjection of Poland. If we were to ask Prussia and Austria, they would tell us God knows what—perhaps a barrier treaty, or the annihilation of the French Republic. If these Powers had applied to us properly, and Ministers knew our aid was necessary to the security of Europe, they were much to blame for not aiding those Allies sooner ; and if they had not applied, would any Minister say, that their foolish plans, unworthy motives, or wicked designs, ought to bring upon this country the calamities of war ?—He repeated his opinion in favour of the existing Constitution, and his wish to support and preserve it. As to proclamations and associations, he said, he thought more danger was to be apprehended from associations formed under the countenance of a government, than from associations against it, because, when people associated against government there was the law of the land to check them ; but those associations that had lately appeared had become a signal of anarchy, and set all law aside in order to introduce a mob government. It

certainly was but a poor compliment to Ministers to suppose that they, with the whole aid of the executive government and the law, could not resist the danger apprehended from twenty dangerous foreigners, without calling to their aid such meetings. He had signed none of their declarations; yet it could not be thought that he, after fifty years of age, and possessed of some property at stake in the country, could wish to see it parcelled out in districts of nine acres; and he would add, that all his life-time he had done as much, whether in or out of office, for the executive, as for the legislative, government of the country, because he thought both ought to be strong. He concluded by saying, that he had no expectation that the motion would pass, and had much more to urge against the bill, yet, from the appearance of the House, he would not be surprised when the time came, that his arguments might appear more forcible; it would be asked why he did not urge them at the time, but this he had been accustomed to before, and was satisfied with having faithfully done his duty as a Lord of Parliament, and a friend to the country.

Lord LOUGHBOROUGH, in a most animated, eloquent, and argumentative speech, took a view of the bill as it then stood before the House. He said, that he had not hitherto interrupted their Lordship's deliberations upon it, and had hoped it would have passed with an unanimity that would have required no more than his silent assent: but he felt himself under the painful necessity of delivering the reasons of his opinion, because it differed totally from that of the noble Earl (of Guildford) for whom he entertained the warmest friendship, founded on an affection that had commenced at a very early period of the noble Lord's life; which, as his virtues ripened into manhood, had grown into respect and esteem, and was increased by the pious regard he must ever bear to the memory of those incomparable talents, and that excellent disposition, the loss of which had been so recently felt, and would be so long and so justly regretted in that House: That he felt, however, some consolation from the noble Lord's having very candidly stated his own uneasiness in differing from a noble Duke (the Duke of Portland), in whose sentiments he was always happy to concur; the difference of opinion must, on that account, give him less pain, and he trusted would be no interruption of a friend-

ship which, on his part, would ever continue, and go as far as any friendship could or ought to do—it would extend *usque ad aras*. To that term it had now reached; for the Altar and the Throne, in his judgement, were both engaged in the issue of the present question. The duty of a subject, his regard for the laws of the country, to which, as a Magistrate, he was more particularly bound, the obligations of religion, and the allegiance which he owed to the Crown for the protection he received from it, called for his support to Government on the present occasion.

It had been objected, that this bill was a new and extraordinary measure. The principle was not new.—By the common law, aliens were here by the permission and protection of the King, which might be withdrawn. Blackstone and other authors prove this: and the act of Henry V. quoted against it, was not an act to enable the King to send away the Bretons, but oblige them to go under pain of death.

The bill was indeed an extraordinary measure; but was not the situation in which we stood equally so? There might be some cases bearing a little affinity to the present found in history, but none exactly parallel. The period which produced circumstances the most similar was the reign of Queen Elizabeth. At that time the great and overgrown power of Philip II. agitated and alarmed every surrounding nation.—Actuated not only by ambition, but by a religious fanaticism, intent upon the propagation of its own doctrines, its greatest efforts were exerted against this island. Money, forces, seditious writings, emissaries, were employed to excite plots in England, insurrections in Ireland, and attacks from Scotland, against the Queen; but they were employed in vain, owing to the wise regulations adopted by that Princess and her Councils.—At present, a great and powerful people, actuated by a new fanaticism of infidelity, were endeavouring to propagate over all Europe, principles as inconsistent with all established Governments as they were with the happiness of mankind.—However wild and extravagant their doctrines might be, they had indisputably made some proselytes in this country; and though the numbers were comparatively trifling and insignificant, they were stirring and active in their mischievous purposes, deeply enraged against all establishments, harbouring the most dangerous designs, and confident of foreign aid.

The proclamation which His Majesty's Ministers thought it expedient to issue during the last spring, and which his Lordship entirely approved of, had for a time the desired effect.—Men, who before had been loud in their commendations of the measures of France, became more moderate and reserved ; and in proportion as the success of the combined armies against France became more probable, that voice became still more faint. After the horrid massacres of the tenth of August and second of September, all their partisans had abandoned them : the language then was, that after such flagitious conduct they could not find a friend in any quarter of the globe :—but as a melancholy proof how much in the eyes of mankind success constitutes the justice, and misfortune the guilt of any measure, the moment the tide of war turned in favour of the French, that moment their partisans resumed their courage : those who before hung down their heads silent and abashed now became more audacious than ever ; sedition again broke out with increased force ; clubs and societies for spreading their doctrines were formed all over the kingdom, and their numbers stated with exultation and boast ; and means of communication were established between these different societies.

Embassies were sent to France to congratulate the National Assembly of that country on their success, and even to promise the assistance of numbers here who would rise up in their cause, and who in return expected their fraternal aid to overturn this Constitution.

In France, anarchy and confusion triumphed over all order and regularity—they had long vilified and despised the Christian religion ; but now, incredible as it might appear, public professions of Atheism have been made in full Convention, and received with much applause: publicly was it declared that there existed no God : Atheism was the basis of their institutions, which studiously contradicted every commandment of God. The sanctity of the seventh day they had very early abolished ; and the relation of parent and child they had destroyed. Their false prophet had taught that no honour was due to the parent, who in his turn might abandon the child. Robbery, murder, and licentiousness, not only were unpunished, but encouraged as meritorious acts. False testimony was a proof

of patriotism ; and an universal breach of the tenth commandment was the first principle and foundation of their state. So entirely were all ideas of property (which is an ordinance of God) subverted, that it had lately been publicly declared, that the farmer had only the possession of the corn he had reaped, but that the property was in the Public, who had a right at discretion to take it from him.

In all he said, his Lordship wished to be understood as not speaking against the French nation in general. Reflections upon a whole nation, or any large body of men, were always illiberal in principle, and generally wrong in application ; and therefore he should always endeavour to avoid them ; but the truth was, that all these disgraceful proceedings were not the proceedings of the nation, but of a faction, who by desperate acts had become the ruling power for a time ; and the first thing they did was to delude the understanding of the populace, and to intimidate by the cruelty of their usurpation all that they could not deceive. By such means they seemed to have obtained the assent of the whole people ; which could not possibly be true, from the sudden and violent transitions they had made in the forms of their anarchy. In the course of a few weeks they solemnly abjured, and suddenly adopted, what they called a Republic.

It had been said, that the fears of Ministers were all affected ; that there was no foundation for the alarms which they had circulated. Ministers were tauntingly called upon for their proofs. Parliamentary scepticism might be allowed ; but if any man out of the House were to advance such an opinion he would be laughed at. A proper sense of their danger had pervaded all ranks of men ; and they had come forward as one man in defence of their common cause. However he might think that Ministers ought to have perceived the danger, and have endeavoured to avert it sooner than they did, yet he could not help confessing that they were peculiarly fortunate in the moment of their interposition.

A noble Lord had spoken with contempt of the supposed numbers of French emissaries here, as being only nineteen. He would wish to call to their Lordships' recollection, that in the disgraceful riots of the year 1780, the whole of the number originally concerned in that infamous proceeding, and which

turned out to be the terror of every peaceable inhabitant in the metropolis, was not above three-score. When their Lordships were informed that in the shocking massacres of the second and third of September, there were not more than two hundred persons employed, and that in a city containing more than six hundred thousand inhabitants, with thirty thousand men under arms, their Lordships would not think lightly of nineteen persons armed with daggers, under the cry of No King. We might now have been in the like situation as we were in 1780, had not Ministers timely prevented it by calling out the militia; and by making the military preparations which we all saw or heard of. Such measures, it might have been expected, would have restored complete tranquillity to this country, but it had done so only in part.

It had been objected by a noble Earl (Lauderdale) that the Associations formed on the part of the Friends of the Constitution were improper; and that too, when other Associations were held, not to prevent sedition, but to increase it; not to prevent anarchy, but to create it; not to check the dissemination of libels, but to spread them abroad, and even to bring into contempt the jurisprudence of the country; to create discontent in the public mind at the manner the law was administered, even after verdict. Persons there were who took this method of talking of the liberty of the press; and of continuing to abuse others for doing what was the duty of every good citizen, which was to do all he could to enforce the execution of the law. Had the noble Earl who made the objection consulted the Constitution, he would have found that all men are bound to assist in putting the law in force, and in aiding and assisting the Magistracy to do so. These Associations go no farther—they are not only legal but highly meritorious, as tending to strengthen the hands of Government, and, by keeping men upon their guard, to prevent the insidious designs of their enemies; they are for the preservation, and not for the destruction, of civil and religious liberty. The voice of the people had been clearly and animatedly expressed by their means.

He begged to inform the noble Lord, that as these meetings were legal, he would state those which were not legal. It was a high breach of the law and the Constitution for any body of

men to assemble, and insolently to publish resolutions declaratory of their disapprobation of the conduct of Judges and Juries—It was a daring violation of the law to assemble and publish opinions which militated against the express letter and spirit of an existing act of Parliament. Let the noble Lord comment on this—he cannot mistake what the real Constitution is—it is not founded on the wild ideas of mistaken philosophy—its basis is Justice—its structure is wisdom.

There were two classes of Frenchmen now in this country: one who came hither by necessity to take refuge; they should of course be treated with tenderness and humanity: another class who came hither for the purpose of, and who were active in doing all they could to create confusion; they of course were the proper objects of this bill, and ought to be of much greater severity.

After observing that we should, in this case, give Ministers all the power they asked, and the confidence which the Romans, in their freest state, gave to their Consuls when they passed the decree "*Caverent Consules ne quid detrimenti capiat Republica,*" his Lordship came to the necessity of the present measure, on which, he observed, the following question would arise: "Can this measure be justified upon the circumstances of this country at the present moment?" He confessed he had no difficulty in answering in the affirmative; and to add, that he was of opinion, that the situation of the country was such as would have justified a stronger measure. As to the disposition which had manifested itself in this country to excite tumult and create sedition, he believed it to be still dangerous; and that it ought to be narrowly watched: it was stifled for a time, but not extinguished—it would continue in that state, requiring vigilant attention while a neighbouring country remained in confusion, and any expectation could be formed that the contagion might be communicated to this. If neglected or disregarded by the Executive Government, that must happen; and therefore, he must repeat it, the danger was not at an end; and he hoped that all the inhabitants of this kingdom would join heart and hand in assisting the Executive Government, and consider themselves as pledged to fight *pro aris et focis* on this occasion: with such a sentiment we should be safe—without it we might be ruined.

Government, he was glad to see, possessed the confidence of the country ; to diminish that confidence at the present time, would be to increase the danger with which the country was threatened. He wished to avoid any thing like party spirit in the course of this proceeding. There were many instances where divisions of opinion, and where party were laudable ; but not when the enemy were at the gate, and some of them within the citadel : then we ought, with a generous manliness, to sustain the acts of Administration ; not indeed blindly and implicitly, without examining them, but after having examined, and seeing nothing greatly defective, but finding them chiefly good, to confide in them liberally for the due execution of what was within the limits of their duty.

All parties should come forward and strengthen the arm of Government as much as they could ; they should bury and forget all former differences and disputes, and unite in their efforts to preserve our glorious Constitution : it was such a fabric, that if he could, he would make it immortal—his wishes certainly went to that length—and on that subject he could only add, *Esta Perpetua !*

The Marquis of LANSDOWNE begged leave to make a few observations. He had been misunderstood with respect to the legality of the associations so ably defended by the noble and learned Lord, and of the propriety of some of them. That which was convened at Merchant Taylors' Hall he entirely agreed with ; that also which met at the parish in which he lived met his entire approbation ; and the reason why he did not attend it, and subscribe to the resolutions entered into at that place, was, that he felt it perfectly ridiculous formally to profess, what every body knew him, whoever knew any thing of him, to feel and acknowledge, he thought it would look as if he thought he was suspected. He was as much for the inculcating of moral precepts, and teaching reverence for religion, as the noble and learned Lord could be. He was also as much attached to the present form of Government, and he would undertake to say, that the lower order of society in Wiltshire, and great part of the West of England, never read Mr. Paine's books. As to the poniards alluded to by the noble and learned Lord, he declared upon his honour this was the first time he ever heard of them ; but he must observe that if Mi-

nisters knew of such things it must be an easy thing to prove them. As to all those accounts of conspiracies, and suspicions of conspiracies, he could not see how the people of this country were to be benefited by their recital: perhaps that spreading sentiments of morality among the lower class might more effectually secure their esteem to the present Government, than telling them so often of plots and assassinations.

Lord RAWDON declared himself a friend to the principle of the bill, and expressed his readiness to do every thing in support of it that depended on him.

The Earl of GUILDFORD observed, that the main objection which had been stated to this bill, and all the measures of Administration of the like kind, still remained as much unanswered as at first, namely, that no ground had been laid down as a foundation for the necessity of the bill. He then observed, that the present bill was repugnant to the whole spirit, and to the letter of the fourth article of the commercial treaty between this country and France. [Here his Lordship read the whole of the article.] He concluded with observing, that this bill was considered as a prelude to a war, the only reason we had for entering on which was, that we stood pledged a century and an half ago to maintain by force a point that perhaps may be given up by our own ally.

The Duke of RICHMOND answered the noble Earl upon the fourth article of the commercial treaty. He observed, that the French had frequently refused passports for several days to Englishmen, when in France. He contended, that this was not to be considered as a breach of the commercial treaty, but the effect of particular circumstances. With regard to the general subject of debate, he begged leave to be considered as adopting all the sentiments of the noble and learned Lord who spoke so ably upon this subject.

The Earl of LAUDERDALE rose to explain. He observed, that he had not said, nor intended to say, any thing on the illegality of the associations of which he had taken notice. What he intended to convey was, that they would have an effect, which he deprecated, and for which the proceedings in France were so much, and in that respect, justly censured. They went to establish a Government by clubs. As to what the noble and learned Lord was pleased to say, with all the

power of language for which he was so eminently distinguished, about the ridicule that would attach to him if he attempted to tell the people of this country that they were not alarmed; when they felt they were alarmed, he could only beg leave to remind the noble and learned Lord of the situation into which he was led, by indulging his talents on a former celebrated occasion, against a well-known Member of another country, and how that affair terminated.

[This we understood to allude to Lord Loughborough's celebrated philippic on Doctor Franklin, when he came to treat with this country on behalf of the Congress of America.]

The Earl of Lauderdale then proceeded to lament the loss of the great talents and abilities of Lord Loughborough to the party of which was so long, so conspicuous, useful, and ornamental a member. The noble Earl said that he and the party whom the learned Lord had now forsaken, had as much attachment to the Constitution as the noble and learned Lord had or could have, and he could not help saying, that it was a little hard that the moment the noble and learned Lord deserted the party, he regarded them as completely detestable.

Lord LOUGHBOROUGH observed, upon the allusion to the affair of Dr. Franklin, that no one incident of his life gave him more confidence than that to which the noble Earl alluded. He never repented, he never should repent, of the part he had taken upon that subject. What that had to do with the debate now before the House he left their Lordships to determine.—He should still say, that in that case he spoke as a professional man at the Council Board, and the talents of the man whom he opposed could not alter the merits of the case, as little could the success in the event. As to the party to which the noble Earl alluded, by which he meant, he presumed, the Opposition, as the term was, he knew them to be men of great talents and virtue, and consequently were not likely to thwart the measures of Government, where unanimity was so desirable, and while they recollect the effect of the riots in 1780. But, as the subject of party was brought forward, he must observe, that the noble Earl and himself had not now, nor ever had, any connection whatever together in a party; to talk, therefore, of his deserting the noble Earl and his party, was certainly extrinsic of all party as to him (Lord Loughborough); but after

all, if the noble Earl chose still to allude to those who had been in opposition for some years, he entreated the noble Earl to reflect whether in general they agreed with the noble Earl or with him (Lord Loughborough) upon this subject.

The Earl of LAUDERDALE observed, that his Lordship and himself differed very widely upon this subject; but whose judgement approached nearer to the general opinion, time would shortly discover; it was a topic not likely soon to be forgotten by the Public.

The motion for reading the bill at a future day was then negatived without a division, and the bill immediately read a third time, and passed. Adjourned.

Thursday, 27th December.

The bill to revive the Lords' act was passed, and sent to the House of Commons for their concurrence. Adjourned.

Friday, 28th December.

The bill to prevent the circulation of assignats in this country, from the 5th day of January next, was read a first time, and ordered to be read a second. Adjourned.

Tuesday, 1st January.

Read a third time, and passed, the bill for prohibiting the exportation of naval stores, &c.

Read a third time, and passed also, the bill to prevent the circulation of assignats, bonds, promissory notes, &c. in this country, under the authority of France. Adjourned.

Thursday, 3d January.

The House proceeded, according to order, to take into consideration the amendments made to the Debtors and Creditors bill, the same were accordingly read a first and second time, and agreed to by the House, and a message ordered to be sent to the Commons, to acquaint them therewith.

The House then adjourned to

Saturday, 5th January.

The Attorney General brought the Alien bill back from the Commons, and informed their Lordships that that House had

introduced several amendments, which they hoped would meet their Lordships' concurrence.

Lord GRENVILLE, that the House might be fully informed of the nature of those alterations, moved, "That the bill be printed, and that it should be taken into consideration on Monday." Ordered.

Monday, 7th January.

The House proceeded to take into consideration the amendments made to the bill, for establishing regulations respecting aliens arriving in this kingdom, and the same were agreed to.
—Adjourned.

Tuesday, 8th January.

The Royal assent was given, by commission, to the following bills: the bill respecting aliens; the bill for preventing the circulation of French assignats; the bill for indemnifying those persons who had acted under the order of the Council, relative to the exportation of corn, and the bill for preventing such exportation in future; a bill for preventing the exportation of naval and marine stores; and the bill for extending the provisions of the Lords' act for the relief of prisoners for debt.

The House adjourned to

Tuesday, 22d January.

The order of the attendance of the Judges on the Scots Peers elections on Thursday, was enlarged to Tuesday next.

Adjourned to

Monday, 28th January.

The Marquis of STAFFORD presented to the House a message from His Majesty, similar to that presented to the House of Commons. [Vide Proceedings of the House of Commons of the same date.]

Thirty papers of letters that had passed between Lord Grenville and M. Chauvelin, were then presented, and the titles of them read.

The Marquis of STAFFORD moved, "That this message be taken into consideration on Monday next, and that their Lordships be summoned."

The Earl of LAUDERDALE said, that he took it for granted, that these papers, which were most important, from the consequences they were likely to produce, were to be printed. He hoped that it was understood they would be printed in time, so as to be delivered before the message should come under their consideration.

The Marquis of STAFFORD said, that as the House was to meet on Wednesday, he had no doubt, but that such of the papers as were meant to be printed, would be ready for delivery to their Lordships on that day.

The order was therefore made for summoning the House for Thursday. Adjourned.

Wednesday, 30th January.

The House having met, proceeded to Westminster Abbey, where they heard a sermon, preached by the Lord Bishop of St. David's; and after having returned, they immediately adjourned.

Friday, 1st February.

Lord GRENVILLE rose to move the order of the day.

The Earl of LAUDERDALE said, that before the order of the day came on he would beg leave to occupy a small part of their Lordships' time by a few observations, and a motion, in consequence, which he had to propose. He begged leave, in the first place, to call the attention of their Lordships to the importance of the question which they were about to discuss—a question that involved in it every thing that was dear to the interests and honour of this country. He could not help observing, that in the correspondence between the noble Secretary of State and M. Chauvelin, there was a considerable chasm which it was necessary should be filled up. In the papers which had been laid upon their Lordships' table, there appeared no communication from the month of August to the end of November: he thought it material that their Lordships should know every thing that had passed. Nor had it been stated by Ministers that any requisition had been made by the States General to this country for its aid on the present occasion. If our ally had conceived herself injured by the opening of the Scheldt, it was natural to suppose she would have

been glad to have availed herself of the treaty which subsists between her and Great Britain, and have demanded that aid which we were bound by such treaty to give. He had not yet been informed, however, that any such demand had been made; and till that was made, he could not help considering all interference on the part of this country to be unnecessary and premature. It could not be said that the interests of this country were affected by the opening of the Scheldt, if the Dutch themselves did not complain of it; and he had not yet heard that they uttered any complaint or had made any formal requisition on the subject. He thought it material likewise, that the House should be possessed of every thing that had passed between this country and France, in any shape, or through any channel. He had understood that His Britannic Majesty's Minister at the Hague had had communications with the Executive Council of France; of these he wished to be particularly informed. He had, therefore, four propositions to submit to their Lordships, which he hoped they would see no reason to reject:

First, That there be laid before the House the copies of any memorial or representation from the States General to the British Court on the opening of the Scheldt, with any requisition on the part of the States General to the British Court in consequence thereof.

Secondly, Copies of all communications between His Majesty's Ministers and M. Chauvelin, between August and the end of November.

Thirdly, Copies of any communications that may have passed between His Britannic Majesty's Minister at the Hague and the Executive Council of France. And,

Fourthly, Any correspondence that may have been held between His Majesty's Ministers and any private agents from the present rulers in France.

Lord GRENVILLE declared, that he should think himself bound to give to each of these motions a decided negative, because they could not possibly be useful to the discussion of this day. In regard to the first paper, for a copy of the requisition made by Holland, for our assistance under the treaty of 1788, he was aware that in giving his direct negative it would leave noble Lords the power of reasoning on the supposition that

there was no formal requisition made by Holland for our assistance under the treaty. He had no objection to noble Lords taking their argument upon that supposition ; but if they wished to strain it farther than that, and say that, because there was no formal requisition by Holland, she was unalarmed at the conduct of the French, he must oppose any such implication from his concession. Holland was seriously alarmed : she had made complaints and applications for our aid and friendship. Would the noble Earl desire that His Majesty's Ministers should expose the particular grounds of their alarm, and the specific applications they had made ? To do so would be to expose their weak side, and to make known to the House the manner in which they might be most affected at the opening of the war. He should therefore certainly object to this motion. In regard to other negotiations, there were no papers in the office of any other correspondence whatever on the affairs of France. He had had a conversation with Mr. Chauvelin on the 28th of November, of which, in the usual diplomatic way, he had made a *note verbale* ; and from the authority of that note, made at the time, he could say explicitly to their Lordships, that he had stated to him the disposition of Government to correspond with him but in a non-official way. He would also own that another of His Majesty's Ministers had had a conversation with a person whom they understood to be an agent of the Executive Council of France, and the same declaration was made to him. What passed at this meeting it was unnecessary for him to state. At a second conversation between the same persons, the whole was referred to M: Chauvelin. As to laying before their Lordships the information received from the British Minister at the Hague, they would see the obvious impropriety of granting such communication. It was the very end, use, and object of a Minister at a foreign Court to collect information from every possible channel, and to transmit it to his country. Would their Lordships think it wise and prudent that the information so transmitted by Lord Auckland should be exposed ? He concluded with saying, therefore, that he should give his direct negative to all the four motions.

The Earl of LAUDERDALE said, if the noble Secretary had attended to the words of his motion, he would not have

made the objection that he had done. His motion was for such papers as had been transmitted by Lord Auckland of offers made through him by the Executive Council of France, in so far as respected their conduct towards England and her allies, which was in fact no other than the specific subject on which they were called upon to determine that day. To desire Ministers to lay before the House all the information which Lord Auckland might have collected, would have been highly absurd.

The motions were then severally put and negative.

The order of the day was now called for.

Lord GRENVILLE began by observing, that he should find it necessary to occupy a good deal of their Lordships' time, and, he hoped, their attention, by the observations he had to offer; and, he trusted, that upon the motion that he had to make to their Lordships there could be but one opinion in that House. The period in which he spoke he would not hesitate to say was momentous—the present was big with the future fate of this country, and of Europe; and as we now acted, must we hereafter expect to experience the good or bad effects of that line of conduct which we should adopt. By our present decision must the empire of Britain stand or fall; and in our fate will be involved that of every existing Government of Europe. His Lordship said, that he trusted that the House would readily concur with His Majesty in expressing its indignation, its most marked and animated indignation at a recent transaction in Paris—a transaction that had filled Europe with amazement and horror, and had been received in this country with a degree of feeling and emotion that made him glory in being an Englishman. Of the dreadful principles that had been established in France, the transaction to which he alluded was a pregnant and melancholy proof. In violation of every law, in defiance of every principle of justice and humanity, a self-constituted faction had dethroned the Monarch to whom they had sworn allegiance—had violated and overthrown the Constitution which they had sworn to maintain, and committed an act that was unexampled in the history of modern Europe—an act that was still heightened by circumstances of greater atrocity than that which Englishmen blushed at the recital of, and which formed the greatest blot in the his-

tory of their country. This amiable Monarch, who had so recently fallen a victim to the new principles of France, was a Prince remarkable for his lenity, his humanity, his justice, his regard and tenderness for the interests and welfare of his people. Sacrificing all personal considerations, he convoked the States General, and thus voluntarily gave liberty to France; but while he thus conceded every thing that his subjects could have required, he laid the foundation of his own ruin, and of the dreadful misfortunes that now overwhelm that unhappy country. In place of the establishment of a rational liberty, at which every friend to mankind would have rejoiced, there had been reared a system at war with every thing that men have been accustomed to revere—with every principle that can conduce to the support of civil society. Upon the ruins of social order, of humanity, and of religion, had been reared the tree of liberty; but let us judge of this tree of liberty by the fruit which it had produced—an innocent Monarch had been cruelly murdered by a self-constituted power, without having violated any existing law, and in violation of every principle of justice: his judges were a party in the cause—they were legislators, accusers, judges, and jurors; and so undefined were their powers, that many of them were at a loss under what denomination to give their vote upon a question so important as the life of their Prince. But, under all these circumstances of horror and injustice, had the operation of the French principles been confined to their own country: however, as men, we might have deplored the consequences, we should have had less reason to arraign them; but when we see a wish, on the part of the French, to extend them to other countries—when we see them zealous to extend them to our own, and busily employed in endeavouring to effect this purpose, it became a serious and momentous consideration indeed—we might see the same scenes performing here—we might see them crowned by the same horrible and atrocious act! The slightest supposition of such a possibility, he was certain, would not only deeply affect every man in that House, but every subject of the British empire. His Lordship proceeded by observing, that he was afraid he should not feel himself equal to the task of entering so fully upon this question as it was his earnest wish to do; but he should, notwithstanding,

trespass so far upon their Lordships' time as to explain himself upon those points which he thought most material to the introduction of the motion which he meant to propose. With respect to France, nothing could have been more just or generous than the conduct of this country: from the earliest period of their Revolution this kingdom had studiously declined all interference; and he would take upon him to say, that had they confined themselves to the limits of their own territory, and the internal arrangement of their own affairs, the same system of scrupulous neutrality would have been religiously observed. His Majesty had observed, with respect to France, the strictest neutrality — a line of conduct that he was reluctantly obliged to change, not only in his own defence, but for the preservation of every existing system of Europe, in the balance of which Great Britain not only formed a principal part, but in the due preservation of which she had so material an interest. It had been said, that because Holland had not made any positive requisition to us respecting the opening of the Scheldt, it was not our business to volunteer our assistance; but he would refer it to the decision of the House, whether it was not a stronger reason for our offering our assistance, because a valuable and ancient ally was intimidated by the overbearing power of France from demanding that assistance to which she had a right? It was material to the existence of Great Britain, that Holland should remain a free and independent state: it was particularly material that she should not be under the influence of the power and of the present principles of France. In that unhappy and distracted country there had been, within the short space of three or four years, no less than three Revolutions. No sooner had they sworn to the maintenance of one, than they established another form of Government; and what their next was to be, for at present they had none, it was impossible to foretell. It seemed to be their object, however, first to overturn every other established system in Europe — a principle which, in the earlier stages of their Revolution, and indeed till within these two months, they had formally and anxiously disclaimed. The dreadful transactions of the 10th of August, and of the 2d and 3d of September, overturned the last Constitution, to which they had sworn allegiance, and dissolved the power of the King. His

Majesty soon after thought it proper to recall his Ambassador from Paris, as there was no legally-constituted power with whom he could communicate. M. Chauvelin, the accredited Minister of His most Christian Majesty, still remained here, though his functions had ceased. His Majesty did not chuse to order him to depart, because that would have been a virtual acknowledgement of the King's deposition ; but all official communication with him was suspended. At the time when France was threatened by the combination of foreign powers against her, her language was moderate, and her conduct, with respect to foreign powers at least, sufficiently just. On the 24th of May M. Chauvelin made the following declaration :

“ Religiously faithful to the principles of its Constitution, whatever may be definitively the fortune of her arms in this war, France repels every idea of aggrandisement : she wishes to preserve her own limits, her liberty, her constitution, and her unalienable right of reforming herself, whenever she shall judge proper : she will never consent that foreign powers should in any shape dictate, or should dare to nourish a hope of dictating laws to her ; but this very pride, so natural and so just, is a pledge to all the powers from whom she shall have received no provocation, not only of her constantly pacific dispositions, but also of the respect which the French will at all times know how to pay to the laws, the usages, and all the forms of government, of different people. The King also desires that it may be known, that he would disavow, decidedly and severely, all those of his agents in foreign Courts at peace with France, who might dare to deviate a moment from this respect, either by fomenting or by favouring revolts against the established order, or by interfering in any manner whatever in the internal politics of those States, under pretext of making proselytes, which, exercised towards friendly powers, would be a real violation of the law of nations.”

It would appear, from the papers on their Lordships' table, that His Majesty had been applied to to mediate between France and the allied powers ; but, ever zealous to preserve to his own subjects the blessings of peace, he had declined all interference in a point in which it would avail nothing, and might ultimately tend to involve him in the quarrel. It was known to their Lordships, that the combined armies had en-

tered France ; and it was likewise known, that from the unforeseen contingencies of war they were obliged to retire. Then the system of France became entirely changed : she began to form and to indulge those views of aggrandisement and of conquest which she had formally and solemnly relinquished ; and, under the pretext of spreading universal liberty and fraternity, she aimed at universal conquest. She had overrun with her arms the whole of the Netherlands, the province of Nice, the dutchy of Savoy, and several other states situated upon the Rhine ; and her conquests were attended with consequences unknown to civilised nations. It was the distinguishing characteristic between the wars of civilised and barbarous nations, that, in the former, wars were carried on in the names of the kings, and, in the latter, it was a war of the multitude. In the former, personal property was always respected—it was considered as sacred : individuals were not only left in complete possession of their property, and their civil privileges, but of their religion, which was of much more consequence than either — the conqueror only claimed as his right the public revenue of the country. But far different was the warfare which the French now carried into every country which they could reach : they not only seized the public revenue of such countries, but private property was confiscated, every higher order was proscribed, and none were permitted to remain but the lowest and poorest mass of the people. Even these, too, were denied the exercise of their religion — every thing was compelled to yield to the more enlightened system of France. Such was the fraternity which Frenchmen carried into foreign countries, which they invaded without provocation, and tyrannised over without remorse ; and such fraternity would France extend to this happy, this favoured island ! It had been said, that the present persons who now exercised what they called the Executive Power in France were anxious to treat with this country, and were unwilling to go to war with us. With the present power in France, he contended, it was impossible to treat ; for there the momentary will of an armed multitude had been substituted for order and law. At the very moment that we were carrying on a correspondence with their agent here, one of their Ministers had published a proclamation to the seaports, inviting them to a war with Eng-

land — inciting them to bring aid to the republicans of England, (who, he thanked God ! were very few in number indeed), and threatening to send over the red bonnet of liberty to their republican friends. Was it upon the promises or protestations of such men that we could rely ? No. Let us judge of them by their acts : it is by their conduct only that we can form an opinion of their wish to avoid a war with this country : they knew the only terms upon which it could be avoided. Upon that head we had acted with the characteristic candour and openness of Englishmen ; but, in place of subscribing to those terms, they were preparing for fresh conquests, and our ally, the Dutch, were in the most perilous situation. In place of withdrawing their forces within the limits of their territory, the French had insolently said, they would retain the possession of Belgia until the conclusion of the war, or until the consolidation of the liberties of that country. And who is to be the judge of this consolidation, as they are pleased to term it ? The French themselves ; those very men who were busied in the act of plunder and rapine, and who, should they ever relinquish their conquest, would leave it a miserable ruin. He would positively state, that the safety of Europe demanded that these provinces should be rescued from the tyrannous gripe of France, and it would likewise be material under what Government they were afterwards to be established. He would not scruple to declare, that he should think them equally dangerous if established as an independent republic, as if they were to be under the immediate yoke of France ; for that powerful and overweening empire would still sway them under that specious, but empty, form of liberty and independence.

Much had been said about the Scheldt being the only source of enmity between this country and France. The causes of enmity and jealousy were innumerable ; and there was one much stronger than any that existed between those two countries, when France thought proper to declare war against Austria. It was the chief cause of complaint on the part of France, that the Emperor had upon his frontiers bodies of unfortunate men, who had been driven from their country, and who longed to return to it in safety and with honour. At the present moment, when France pretends to be so anxious to

avoid a war with England and her ally the Dutch, the latter has a much stronger reason, in fact, for hostility, than France had against Austria. The French have planted upon the Dutch frontiers a band of rebels and desperate banditti, who have fled their country for crimes ; and from this body are disseminated, by French agents in Holland, principles and plans dangerous to the Government of that country, and hostile to the peace of Europe. The present, indeed, he conceived a period the most dangerous and critical to this country, in which it became us to exert our power for the preservation, not of our political balance only in the scale of Europe, but of all those blessings which we so exclusively enjoy. Negotiation had been tried in vain ; there was but one alternative ; and it was a pleasing consolation to His Majesty's Ministers, in the line which they were obliged to pursue, that they had with them the almost united voice of the British Empire.

His Lordship then moved, " That an humble address be presented to His Majesty, to return His Majesty the thanks of this House for his most gracious message, and for the communication of the papers which, by His Majesty's command, have been laid before us : To offer His Majesty our heartfelt condolence on the atrocious act lately perpetrated at Paris, which must be viewed by every nation in Europe as an outrage on religion, justice, and humanity, and as a striking and dreadful example of the effect of principles which lead to the violation of the most sacred duties, and are utterly subversive of the peace and order of all civil society.

" To assure His Majesty, that it is impossible for us not to be sensible of the views of aggrandizement and ambition which, in violation of repeated and solemn professions, have been openly manifested on the part of France, and which are connected with the propagation of principles incompatible with the existence of all just and regular Government : That, under the present circumstances, we consider a vigorous and effectual opposition to those views and principles as essential to the security of every thing which is most dear and valuable to us as a nation, and to the future tranquillity and safety of all other countries :

" That, impressed with these sentiments, we shall, with the utmost zeal and alacrity, afford His Majesty the most effectual assistance, to enable His Majesty to make a farther augmentation

tion of his forces by sea and land, and to act as circumstances may require in the present important conjuncture, for maintaining the security and honour of his crown, for supporting the just rights of his allies, and for preserving to his people the undisturbed enjoyment of the blessings which, under the Divine Providence, they derive from the British constitution."

Earl STANHOPE rose, he said, upon the most important occasion that ever he had witnessed, to declare his opinion that this calamity, pregnant with ruin to England, had been brought on by Ministers. It had been provoked by no aggression. England had neither been injured nor insulted; but we were drawn into this most imminent of all dangers by a system of pride, peevishness, and passion, incompatible with sound wisdom and true policy. Every man of humanity ought to exert himself, even yet, to strive to avert the evil from his country; and he took upon him to say, that even yet it might be avoided, if we would shake off the false pretences under which we covered our real designs, and act with the openness and candour that became a great nation. The noble Lord, in order to shew a former mistatement of the noble Secretary of State, read part of a letter from Citizen Condorcet, expressing the anxious desire of the French to maintain an amicable understanding and generous friendship with England; and this friendship might have been maintained, but for the insidious and crooked manner in which our Ministers had carried on the negociation. They were willing, forsooth, to carry on an unofficial correspondence; and thus they contrived to irritate a galled people, to wound their delicacy, to insult their distress, and to provoke their pride. As if all this were not sufficient, they completed the insult, by the outrageous manner of M. Chauvelin's dismission. Let us judge of them by ourselves. What would King William have done, if his Minister had been so treated? Was there any neutrality in peremptorily demanding that they should quit Brabant, and at the same time, not as peremptorily demanding of the combined Kings that they should not attack France? Neutrality, from its very essence, was equal. The noble Secretary had said, that he saw no difference between annexing Brabant to France, and erecting it into an independent Government. Did he mean, that we were to see it restored to the horror of its ancient bondage

under the House of Austria ? He would tell the noble Secretary, that he had no right to enslave any person. He had heard many things that day brought forward to inflame the passions of the Public. How poor and pitiful were such expedients ! Let us look back to our own history, and see whether our own Government had not been stained by acts as horrid. Did we not, by act of Parliament, set a price of 100,000 pounds on the head of the Pretender ? And yet, with the memory of this fact, to repress our malignity, we endeavour to heat the public mind by reproaches on the disordered state of France. What will all this avail you ? You will not make this a war of the people of Great Britain. It is a war of the Government of England, against the funds of England, against her paper currency, against her manufactures, against her best and dearest interests. The real motives of this war are, that you dislike the principles of the French revolution. If these principles are good, it is not your war that will extinguish them. But how are you to oppose them ? What is our army ? What our militia ?

Lord RAWDON called the noble Earl to order.

Earl STANHOPE said, I wish the noble Lord had stated why he called me to order, or that he had stopped till I had concluded my sentence. I asked, and when we are on the point of being plunged into a war, my duty obliged me to ask, what is our army, what our militia, compared with the army and militia of France ? They have voted an army of 500,000 men. We may vote men too ; but where shall we find the money ? Let us look back to our late miserable taxes on soap, on candles ; and let us fairly ask ourselves, whether they do not prove that we are nearly come to the end of our resources ? He gave a melancholy picture of the condition of the poor in this country, drawn from the too faithful records, collected by an excellent patriot, Mr. William Morton Pitt. He demanded also, in what way we were to carry on this war ? Were we to attack the French islands ? They wished to lose them. But he desired their Lordships to recollect, that on the French possessing their islands, depended the continuance of ours. Had we calculated on the probable insurrections in those islands ? He warned their Lordships against the danger of driving them to desperation. He concluded with moving an amendment to

the Address, by omitting all the words after the first sentence, and substituting to the following effect :

“ To assure His Majesty, that this House will take into its earliest consideration the subject recommended by His Majesty, and will zealously concur in the measures which, upon due deliberation, shall be found most conducive to the dignity of His Majesty’s crown, and the security and interests of his people. In the mean time, they humbly beg leave to recommend to His Majesty, to exert every means becoming the dignity of his crown, to avert from this country the calamities of war.”

The Earl of DARNLEY followed, and after apologizing for intruding on their Lordships’ time, unused as he was to the habits of public delivery of his sentiments, declared his most decided approbation of the measure proposed. This approbation his Lordship grounded upon a comparision between the professions of the French nation and their uniform practice ; the one continually running in a stream directly contrary to the other. The shocking tragedy lately acted at Paris, was also an additional and powerful incentive to his concurrence in the present measure ; which he conceived to be called for by every sentiment that could actuate either the feelings or understandings of mankind.

The Earl of CARLISLE, in support of the address, expressed his astonishment that any thing like an opposition could appear to a measure, upon which he had conceived there could be but one voice, one heart, and one hand, not only within their Lordships’ walls, but throughout the nation at large. It had been imputed to those at present at the head of affairs, that they possessed all the inclination, and sought but the pretext to enter into a war. To him such an imputation appeared most preposterous ; and that, on the contrary, it must be self-evident, that instead of being desirous or seeking the pretext for war, peace must of all things under Heaven be the object most desirable, and which they must have most at heart. Was it to be believed that in the present situation of this country, when by the uninterrupted blessings of peace, it had arrived at a state of prosperity unparalleled in its own or any other annals ; when this prosperity had gradually arrived at its present height, if not by their means, at least under their guidance, was it to be

believed, he said, that Ministry were so lavish of their fame, so indifferent to their own personal interests, as foolishly and wickedly to endeavour to throw down that fabric, in the raising of which so much pains had been taken?

Of the necessity of the war itself, as well as the justice upon which it was grounded, his Lordship entertained no doubt. It was a war into which we were driven not only by the necessity of the preservation of our good faith with our allies, but by the total want of it in those who have been endeavouring to divert our attention by professions to which their every action gave the lie. He would not attempt to excite their feelings or rouse their indignation by advertizing to the recent butchery of their King, farther than as it tended to prove, that while they were preaching up the doctrines of humanity and philosophy, they were in fact void of every sentiment that ought to influence mankind, and in their conduct could only be compared to ferocious beasts. It was the great topic of argument with those who were hostile to the present measures, that we ought to negotiate rather than precipitate ourselves into hostilities with the French. Not to take notice of the almost impossibility of negotiating with men, amidst the rapid changes which mark the present features upon French occurrences, he would ask, how does our taking such steps, and pursuing such precautions as may be necessary for putting us in a state of defence, in case we should be ultimately driven to the extremity of a war, preclude the success of a negotiation; or rather, was it not the most effectual means for preserving, if possible, the continuance of peace, by shewing we were ready for the opposite extreme? It had also been urged against Administration, that they were reluctant to treat with M. Chauvelin, or those with whom he acted; and that this reluctance was the more inexcusable, inasmuch as, let the event of the war be what it may, the conclusion must be, we must treat at last, and therefore better to do so now than after the waste of blood and treasure. To this he answered, that he trusted we should never be brought to negotiate with men avowing such principles and abetting such practices as those which disgrace the present faction of France; that whenever they are ready to abandon the one, and abstain from the other, then and then alone could this country enter into any connection with them, with a due regard either to her

honour or safety. Upon these grounds his Lordship declared his most decided approbation of the proposed address.

The Earl of DERBY said, that he had not intended to utter a word that day on the question, but two noble Lords had avowed that it went directly to pledge the House to war. It became, therefore, infinitely more serious than he had believed it. The country was flourishing beyond all expectation that could be formed of opulence ; because we had enjoyed peace, while all around us were at war ; and because our manufacturers and merchants had, in the spirit of enterprize, taken advantage of the circumstances of Europe, by pushing their industry and speculation to an unexampled height. Were we to put the whole of this to the hazard ? The noble Lord had fairly owned that the Dutch had not called upon us. Why were we so eager to volunteer our services ? Were we sure even that our ally wished for our interference ? Were we perfectly sure that we may not expose our ally to calamities more dreadful than those from which we are so eager to protect her ? The noble Earl doubts of the readiness of Ministers to go to sea in a storm. It is not long since the noble Earl did not think so favourably of the same Ministers. On the question of the Russian armament, the noble Earl thought them ready to plunge the nation into a war, without provocation or necessity. On that occasion, as well as on the present, Ministers found a ready complying Parliament. But the voice of the people supported the voice of the minority, and forced Ministers to surrender their desperate and impolitic proceedings. The country was rescued from the calamities of a war, by its own good sense ; and if they had time to reflect upon the present armament, they would again give judgement against it. If I were single in the House, I would oppose my negative to the proposition. I know that in three months the manufacturers of this country will call upon you, with a loud and powerful voice, against the evils to which you are about to expose them. It is now pretended, that the French, by having received addresses from England, have furnished a motive for war. This cannot be true ; for the King's speech on the meeting of Parliament, though it spoke of the reception of those addresses, did not speak of them as a cause of war. And have we not, from the experiment that has been lately made upon the temper of

the nation, the most general and convincing proof, that the people of this country are united in support of the Constitution. I perfectly agree in the propriety of the noble Earl's amendment. It will give your Lordships time for deliberation; and though I did not know of any such motion, it has my hearty concurrence. It is of no consequence to me personally, whether my vote shall be popular or not. I want nothing either from Ministry, or Opposition. I have discharged my conscience by endeavouring to avert from the nation the calamities of a war, which I think unprovoked, and which might even yet be prevented by discretion.

Lord PORCHESTER approved of the war. It was not a war against the liberties of France. It was a war, not of choice, but necessity. It was a war for every thing that was dear to us; perhaps for our very existence. It was not therefore a war to be entered upon on mercantile considerations. They were not to balance the probable profit and loss. They were not to inquire even into the means of carrying it on. If we were reduced to our last shilling, we should not tamely lie down, and suffer ourselves to be crushed.

The Earl of KINNOUL said, though not accustomed to approve of the measures of the present Administration, because he thought them not calculated to promote the public welfare, nor deviating from that line of conduct and those principles on which he had acted, and should continue to act, with the noble Lords near him, yet he should give his hearty support to the present address. For whatever might be the opinion of men and measures in general, he thought there ought to be but one voice, hand, and heart, on the present occasion, to support civil order and government, our excellent constitution in church and state, and the laws and magistracy of the realm, by which alone the lives, liberty, and property of every individual, from the highest to the lowest, can be duly preserved; and to counteract every evil combination of men, whether they be secret and invidious, or openly avowed, that mean to subvert that constitution, law, and government, and disturb the public tranquillity; and to counteract them by watchfulness, firmness, and moderation, and activity, whenever necessary.

On these principles he had voted, and spoke on the address, at the close of the last session, when His Majesty issued his

Royal proclamation, and should have voted for the address at the opening of the present session, and the alien bill, had he not been prevented from attending his duty in Parliament.

He thought the present state of France an awful lesson to every surrounding kingdom. They had begun to subvert every principle of religion and every principle of government, and every bond of society ; and having totally destroyed their own establishment, without having set up, or even seeming to wish to set up, any real Government in its room, be it of either monarchical, aristocratical, or even democratical form. They had immersed into every scene of cruelty, injustice, and tyranny ; had thrown their own country into the most wretched state of anarchy and confusion, and had closed their wild and sad career with the late most atrocious act, accompanied with every horror, the most shocking to humanity. After all, not content with having plunged their own country into the most unexampled state of distress and misery, they were endeavouring, by every means in their power, to disseminate their infamous doctrines into every country in Europe ; to stir up the disaffected of every State to sedition and rebellion ; to overturn every where all order and all government ; to bring other countries down to the miserable level of their own.

This country for a long time wisely adopted a strict neutrality ; yet France will not allow it to rest there quiet, but provokes it to war, by every perfidious and insolent means, to shew her views of ambition and aggrandizement, the most alarming and dangerous to this country and the liberties of Europe ; and what is still worse, to propagate every where the worst of principles, and to support those principles by force.

Though every one must wish for the preservation of peace, on every account, if it can be preserved in a manner safe, permanent, and honourable to this country, and none would condemn more than he did an unjust, unnecessary, or wanton war ; yet, from the circumstances of the times, and the conduct of France, he thought war inevitable, and therefore should vote for the address, which certainly went to put this country in a right state of preparation and force, and which, as he saw little reason to expect otherwise, must most probably end in war.

The Earl of LAUDERDALE said, that he owed to the people of Great Britain a clear statement of the reasons which

actuated him in his public conduct. He professed himself to be one of the people ; and it was not the low and pitiful invectives that daily issued from the press, that should make him shrink from the prosecution of those reforms that he thought essential to the public happiness. He deplored the act of atrocity lately perpetrated in France, which was as distant from true policy as from humanity and justice. He spoke of the scene of horror with pathetic agitation ; and said, that the passions of the multitude of France were fatally brought into the present ferment by the sanguinary manifestos by which the march of the Duke of Brunswick through the country was threatened to be tracked with blood. Paris was to be consumed, and the army were to exterminate all who dared to oppose the arrogance of despotism. It was true that the conduct of the French had been horrid ; but he augured ill of the intention of British Ministers, when he saw them joining with their just complaints against France, the most insidious appeal to the passions.— Good God ! if they have reasons for devoting the country to war, cannot these reasons stand the test of sober discussion ?— Instead of submitting the grounds of complaint to rational disquisitions, a vile collection of papers is distributed at your Lordships' doors, pitifully contrived to excite your prejudices against the French nation, and to turn that into matter of anger and resentment, which ought to be the subject of the coolest and most deliberate reflection. They have collected all the absurdities of all madmen ; all the monstrous propositions of the heated imaginations of individuals, to induce you to believe that this nation of madmen and speculatists are not to be reasoned with, but to be crushed. They rouse you to revenge, instead of calling upon you to deliberate. When I hear of the intemperance of Mr. Burke and Mr. Windham ; when I heard a noble Lord, during the short continuance of his disinterested support of Government, calling the French by the most opprobrious terms ; another calling them “ ferocious beasts ;” and when I daily hear the contemptible calumnies and provoking outcry against them, can I wonder that they should be exasperated in return, and that the multitude in both countries, thus goaded, should commit acts of the most rancorous hatred ? Is this the conduct of Statesmen and Legislators, where dispassionate reasoning ought alone to predominate ? I am ready

to own, that the acts of the Convention, for the three last months, have been monstrous and absurd. But in all their absurdity and wickedness, they have manifested an uniform desire of maintaining peace and friendship with England. He read some passages relative to this subject, from a report made by Brissot ; and speaking of Brissot himself, added, that he was proud to rank him in the list of his friends. His virtues and talents merited the acknowledgement.

If their Lordships were determined to see the business in its fair point of view, and be guided in their determinations by the dictates of sound policy and reason, it would be necessary to take into their consideration what were the objects for which we were rushing into a war ; was it for the purpose of joining in the league of Kings, as it was termed, to restore the Government of France to its former state and principles ; or of totally extirpating that people ? Whatever they might be, would it not be equally prudent and necessary to examine well into the means by which war was to be carried on ? Whether, under the immense load of debt with which this country already groaned, it could bear such additional burdens as would be absolutely necessary to give vigour and effect to our operations ? But most of all, were they not bound to consider well, what might be the probable event of the contest ? We were told, that the French West-India islands would fall an easy prey to our arms—the fact was, the French cared not what became of them ; they were no longer necessary to their system ; and how could we be sure that by the very act of incorporation, we might not be introducing into our own islands the seeds of those very opinions we seemed so determined to root out ? Another consideration his Lordship deemed of much importance. Suppose the French completely mistaken in their theory and misled in their practice, were we sure we were about to pursue the proper means to reclaim them from their errors ? It certainly appeared rather paradoxical that the sword should be the only way to restore men to a right way of thinking ; and so far was he from that opinion, that he believed it was of all other measures the most calculated to confirm them in their opinions, and unite them in their determinations.

It struck him as somewhat singular, that in looking over the papers laid before their Lordships, nothing appeared to shew

what was the conduct of the Dutch upon this occasion, nor any requisition on their part for that assistance which we seemed so eager and zealous to bestow. The noble Secretary of State had stated that much communication had passed upon the subject, though no formal requisition had been made; but he could not help considering the whole of such communications to consist in our sending to ask them to send to us for assistance, and feared the event would prove, that Holland, unable and unwilling to assist itself, would be either thrown upon our own hands for support, or else fall an easy, perhaps a willing prey to our enemies. He concluded with censuring the mode in which Ministers had conducted what communications had passed between the two countries. He affirmed, that so far was France from being hostile to this country, that, as far as fell within his knowledge of them, during his late residence among them, he could with truth affirm, that all individuals, of whatever rank or station, in power or out of power, professed the utmost desire to preserve the peace and harmony hitherto subsisting between the two countries. As a proof of this sentiment, he had already read an extract from a report of Brissot.

Lord STORMONT said, he considered the question to be one of the most important that ever called for the consideration of Parliament; his Lordship urged the propriety of strengthening the hands of Government, in the present critical situation of affairs, and advanced many arguments to prove that it would have been unpardonable in Ministry not to have armed under such circumstances. Lord Stormont took notice of the striking contrast between the present state and resources of Great Britain, and those of France. He said France had acknowledged a *deficit* of seven millions sterling, in one mouth, and what country on earth could sustain such a deficiency long? It was true, the Convention had issued eighty millions in assignats, but where was the fund to render them of any value, or to give security to those who took them? His Lordship spoke of the execution of the late King, as one of the most cruel and barbarous acts that ever disgraced the annals of any country. He said, that having had the honour to be long in a public situation, he had an opportunity of acquainting himself with the French Monarch intimately, and if ever there was a

man, who had more of the milk of human kindness about him than another, it was Louis the Sixteenth. He pointed out with great precision, all the steps which the possessors of power in France had pursued in aggression of this country, and those of its allies. He shewed that under the pretence of freedom, the French were in full exercise of the most unparalleled despotism, and compared their conduct to that of Louis the Fourteenth, who acted as a civilized victor amidst all his splendid successes. His Lordship delivered himself with his usual suavity of manner, and force of argument. We had more to fear than ever from the ambition and policy of France; she pretended to annul all treaties made between Sovereigns, because the people were not a contracting party; and in that case, all the treaties that actually exist, must be annulled, for unless in the Republics of Poland and France, the right of making treaties, as well as peace and war, was vested in the Crown. His Lordship certainly did not approve of war, if it could possibly be avoided; it was difficult to calculate its expence, or what might be its consequences; but he was sure he should not repent the opinion he had just given, because he was convinced in his conscience that it was absolutely necessary. His Lordship asked, what confidence could their Lordships place in the seeming moderation of France? Did they not mean to say, let us wait till we have finished the war in which we are engaged, before we begin the English war; and the only favour we can then expect is, to be the last to be destroyed. His Lordship could not allow that it would be a war against liberty, in favour of despotism, as there was no liberty in France. In no country in the world, or in no history, can any parallel be found to the tyrannical proceedings that had been carried on there.

The Marquis of LANSDOWNE said, that it was in vain to deplore what had now happened with respect to the late unfortunate King of France, though he was persuaded, that the death of that unfortunate Monarch might, in some degree, be ascribed to the pride and obstinacy of His Majesty's Ministers, in refusing to open a negociation with the French Republic, by which the life of the unfortunate Louis might have been saved. Among a body of men consisting of seven hundred, a majority of five hundred might have been obtained at less expence than it would cost to carry on the present war for a single

day. He had, during the course of his political life, been engaged in two wars ; the first of which had been commenced in despondency, and terminated in triumph ; the last had begun in confidence, and ended in despair ; and both, by their accumulated pressure, had laid a debt of 150,000,000l. on the nation. Administration had specified two grounds on which they wished to enter into a war with France : the one, to prevent her aggrandizement ; the other, to stop the progress of her principles. During the time of Sir Robert Walpole, perhaps the wisest Minister that England ever saw, France was suffered to take possession of Lorraine, a province infinitely more valuable than Savoy, without the slightest molestation ; and at a later period, she was permitted to seize Corsica, without any interruption from Great Britain. The honourable Secretary had stated, that it would be as prejudicial to the interests of Europe, if the Belgic Provinces should be erected into an independent Republic, as if they were united to the Commonwealth of France ; and in so doing, he appeared to have forgotten the negociation formerly carried on between Mr. Vandermersch and the British Ministry, and the plan which had been concerted between our Court and the King of Prussia, for wresting these territories from the House of Austria.

With respect to French principles, as they had been denominated, these principles had been exported from us to France, and could not be said to have originated among the people of the latter country. The new principles of government, founded on the abolition of the old feudal system, were originally propagated among us by the Dean of Gloucester, Mr. Tucker, and had since been more generally inculcated by Dr. Adam Smith, in his work on the Wealth of Nations, which had been recommended as a book necessary for the information of youth, by Mr. Dougal Steuart, in his Elements of the Philosophy of the Human Mind.

But whatever these principles were, a metaphysical war was not the means of extinguishing them ; and, as to France, it could not be hoped, that the utmost success would give us the possession of that country, into which the Duke of Marlborough had dreaded to march, even after the battle of Blenheim. An attempt upon it would be as ridiculous as Charles the Second's

threat to the Mayor of London, that he would move his court to Windsor; to which the Mayor replied, “ What! did your Majesty say that you would move the Thames to Windsor!” The enthusiasm of the French People rendered them formidable enemies, however they might now be despised. He did not know whether one Englishman could beat ten Frenchmen, but he was sure, that one enthusiast could beat ten mercenaries;—and, in a conversation at which, in an early part of his life, he had been present between the Duke of Brunswick and some other Generals, the same opinion had been declared by the company.

Tho’ he could not pretend to any correspondence which could entitle him to any extraordinary intelligence, yet he could with confidence affirm, that France was much disposed to be directed by the current opinion in this kingdom; and in consequence of this predilection, England had it now in her power to act the most glorious part which had ever been assigned to any nation. She might establish a constitution in France congenial to her wishes, and extricate Austria, and our ally Prussia, from the dilemma in which these two powers were involved. The temporary decrease of our public expenditure had been the effect of a long peace; but we had no permanent fund by which we could support the expence of a war. The French, on the contrary, by the power which their Convention possessed of creating assignats, had an unlimited capacity of obtaining credit to whatever amount it pleased. As a proof of what he asserted, he appealed to a communication made by General Dumourier to the National Convention, and which had not been previously communicated to any but the Executive Council. By this piece of intelligence, it appeared, that General Dumourier had negociated a loan from the Clergy of the Low Countries, by the produce of which he would-be enabled to maintain an army of 120,000 men for ten months.

The idea of taking possession of the French colonies could hardly be realized; and, if we could obtain them, we should be under the necessity of restoring them as an equivalent for the losses sustained by our allies on the Continent;—and were we assured that the *first* step of the French would not be to arm the Negroes, by which an universal insurrection in all our West-India Islands might be excited?—The petty privateers

of France would destroy our trade ; and, considering the case in all its circumstances, the war must be ruinous and unpopular in the country. It was not a war which specified any particular injury which we had sustained as a ground of hostilities ; it was a war commenced on account of metaphysical opinions.

The States of Holland were in the most defenceless condition ; and no force we could supply was adequate to their safety. Considering, therefore, the question in every point of view, his Lordship said he would vote against the address.

The Earl of CARLISLE rose to take notice of the objection which had been made to his having used the words *ferocious beasts*. His Lordship explained in what sense he had applied the phrase ; and said, as the noble Lord had expressed a wish that the murderers of the French King had been spoken of in softer terms, he would readily adopt a milder expression to gratify his Lordship. For instance, he would call them *lambs*, and say that these *lambs* had assassinated 7000 innocent fellow citizens, and at last crowned their career of murder by the barbarous death of one of the mildest of Monarchs.

The LORD CHANCELLOR observed, that, in the few words with which he should trouble their Lordships, he could not do better than endeavour to recall the discussion, from the undue extent to which it had proceeded, to its own bounds.—In the speeches which he had heard against the address proposed, the question of immediate war with France, and sometimes that of the war in the abstract, had been chiefly observed upon ; while, in truth, neither of those questions could with propriety be introduced in debate, and while the address certainly deserved the support even of those who were most adverse to every proposition of war.

Whatever might be thought of hostilities, no man could observe the present situation of Europe, the rapid successes of France, and the threats which she held out against the established laws, as well as against the allies of this country, without admitting, that it was our duty to arm. The address expressed no more upon that topic, than the approbation with which the House heard His Majesty's intention to increase his forces. Another part of the address declared the resolution of the House to preserve the privileges of the Throne, and the

Constitution of the country ; would any man object to that ? Another expressed the sense of the House upon the late calamitous events in France. He should not only believe, that there could be no objection to that passage, but he was sure, that, of all the individuals, whom he then saw, and whose sorrow was testified not in their habits only, but in their countenances, not one would have gone home with a quiet bosom, had such an expression, by any extraordinary inadvertence, been omitted.

Having thus supported the address, his Lordship replied to some observations which had been made in the course of the debate. The seizure of two vessels, loaded with corn, had been noticed as an indication of hostile intentions against France ; as if to prevent the exportation of corn was any unusual effort of prudential interference on the part of Government. It was, on the contrary, not only a matter of course, but, in the present instance, had been loudly solicited of Ministers, by Grand Juries at the different Quarter Sessions, by corporations, and by the visible circumstances of the country.—The high price of corn since the late harvest had not only justified such a measure as a matter of prevention, but demanded it as matter of present relief. It was necessary to the welfare of this country, and did not depend, for its justification, upon any sort of political relations with others.

It was next said, that the war would be a metaphysical war, and that it would not prevent the progress of French principles. His Lordship wished to have it considered, what sort of metaphysicians the French were, and by what means they propagated their doctrines. The decrees of the 19th of November, and of the 15th of December, sufficiently explained them. They there said, that, whatever people did not accept the principles offered to them, should be considered and treated as enemies. When the Magistrates, therefore, of Franckfort, and the Assemblies of Flanders, represented, that they were satisfied with their own Constitutions, what was the answer ? Was it a page of writing, an effort in disputation, or a string of arguments ? No, it was a corps of five thousand men, with cannon planted at the corner of each battalion. These were the metaphysicians whom we were never to oppose by force, since they, forsooth, offered nothing but addresses to reason.

His Lordship pressed this argument for some time; after which he contrasted the use made by the modern French of their conquests, with the conduct of Louis XIV., whose ambition had, notwithstanding, been so much dreaded in England. That Monarch had used no farther violences than the unhappy necessity of war justified; while he retained his conquests, he respected the laws and customs of the conquered; when he left them, he left them with no other injuries than those they had sustained by the war. The present French left behind them the seeds of discord, of rebellion, of cruelty. The peace of families, the order of Governments, the sanctities of religion, were attacked by them, and the contest was likely to continue, or to be revived, long after their departure. With these practices they were now in Brussels, in Germany, at Geneva, and in Savoy; yet they were to be spoken of as if these efforts were only those of scholastic disputes, carried on in the quiet retreats of learning, and by the weapons which literature affords.

It had been argued that two different Ministers saw Lorrain and Corsica seized by the French, without deeming them worth a war on the part of England; but did it follow that, because one increase of territory might be viewed without resistance, an accumulating increase was to be observed without alarm? Ever since the reign of Charles II., when a corrupt Court had assisted to promote French fashions, the aggrandizement of France had been seen with jealousy by England; the spirit of Englishmen had risen at that time, both against France, and the friends of France in England; from which day to this, we had been advancing in importance and prosperity as a nation.

His Lordship here also noticed the threats held out by the National Convention of France, who had promised, that within six months, they would assist the Republicans of England; and who had said, that not only one, but all Kings, should be destroyed.

A noble Earl had declared, with pride, his friendship for M. Brissot, one of the Members of the Convention, and the Editor of a Paris newspaper. Friendships were matters of taste, and he had no doubt that those of his Lordship were formed upon correct principles. As there was a taste in pic-

tures for objects in ruins ; for desolated cities, shattered palaces, and prostrated temples ; there might be a similar taste in moral or political questions.

A people in a state of insurrection was a sublime object ; and to a mind heated with a view of them, a more quiet and orderly course of events might appear insipid. " The same noble Earl," said his Lordship, " has mentioned, that I, for some short time, took part in a disinterested opposition. Had he known more of me, he would neither have used the first term nor the last ; for the first is incorrect in chronology, and the second is unexact in calculation. Did he know upon what terms my exchange of situations has been made, he would, perhaps, not much approve my prudence in making it. Such affairs are not properly matter of public discussion ; but one motive, I will confess, had, upon the balance of many reasons, public and private, considerable weight with me : it was that of being enabled to take a more active, a more open, a more forward, and, therefore, a more exposed part against the friends of Brissot in England."

The Earl of LAUDERDALE said a few words in reply. " I commend," said his Lordship, " the perseverance, the consistency, the disinterestedness of M. Brissot's conduct. Such is the man with whom I shall always be proud to claim friendship. The man whose conduct is contrary to this, is neither my friend nor my enemy, but too contemptible to be either."

The Marquis of LANSDOWNE also spoke in reply, and said, that " because Holland was defenceless, therefore we were to abandon her," was not his assertion ; but that we had no right to compel her to call upon us for assistance, contrary to her own inclination.

The Earl of LAUDERDALE said, as so many of their Lordships were present, he would take that opportunity of giving notice, that in the course of the next week he would bring forward a motion, in order to bring the war with France more immediately under their Lordships' consideration.

At length the question was put on the amendment, which was rejected ; the main question was then put, and carried without a division.—Adjourned.

Tuesday, 5th February.

The House met pursuant to adjournment. The Judges, agreeable to summons, attended to give their opinion on the following question, submitted to them during the last session of Parliament :

“ Whether the instrument in question be a writ sufficient in law to certify, according to the statute of the 6th of Queen Anne, that Francis Viscount Dumblain, on the 14th of July, 1790, appeared in Chancery, in open Court, and took and subscribed the oath and declaration therein mentioned ? ”

The LORD CHIEF BARON, for himself, and on the part of his brother Judges, gave an opinion in the affirmative.

Adjourned.

Wednesday, 6th February.

The Duke of DORSET acquainted their Lordships, that His Majesty had received their address, and had returned a most gracious answer to it.

Friday, 8th February.

The Earl of LAUDERDALE gave notice, that it was his intention, on Monday, to make a motion for the purpose of procuring the production of all the papers transmitted to Government from Lord Auckland: His Lordship, at the same time, said, that his motion would vary from that which it had been his wish to make, on account of certain circumstances that had very recently occurred.

Adjourned to Monday.

Monday, 11th February.

Lord Grenville laid before the House a message from His Majesty, which was read, and is as follows :

G. R.

His Majesty thinks proper to acquaint the House of Lords, that the Assembly now exercising the powers of Government in France have, without previous notice, directed acts of hostility to be committed against the persons and property of His Majesty's subjects, in breach of the law of nations, and of the most positive stipulations of treaty; and have since, on the most groundless pretences, actually declared war against His Majesty and the United Provinces. Under the circumstances of this wanton and unprovoked aggression,

His Majesty has taken the necessary steps to maintain the honour of his Crown, and to vindicate the rights of his People; and His Majesty relies with confidence on the firm and effectual support of the House of Lords, and on the zealous exertions of a brave and loyal People, in prosecuting a just and necessary war, and in endeavouring, under the blessing of Providence, to oppose an effectual barrier to the farther progress of a system which strikes at the security and peace of all independent nations, and is pursued in open defiance of every principle of moderation, good faith, humanity, and justice.

In a cause of such general concern, His Majesty has every reason to hope for the cordial co-operation of those powers who are united with His Majesty by the ties of alliance, or who feel an interest in preventing the extension of anarchy and confusion, and in contributing to the security and tranquillity of Europe.

G. R.

After the reading of it was finished, Lord GRENVILLE said, that he did not think the House could come to any immediate resolution upon it. He would, therefore, move it might be taken into consideration to-morrow.

The House ordered the message to be taken into consideration to-morrow.—Adjourned.

Tuesday, 12th February.

Lord GRENVILLE moved the order of the day for taking into consideration His Majesty's message.

The Earl of LAUDERDALE begged their Lordships would not proceed to the order of the day until they should have afforded him an opportunity of moving for some papers which appeared to him to be absolutely necessary for enabling the House to determine what answer ought to be given to His Majesty's message. In that important communication it was stated, that the declaration of war against this country was, on the part of France, an unjust and unprovoked aggression, and supported only by frivolous or groundless pretences. In order that their Lordships should be able to concur with the King in this assertion, it was fit that they should be in possession of some papers relating to certain transactions to which the National Convention had referred as one of the grounds of the war. What he here alluded to were the orders for preventing

the exportation of corn to France at a time when it was allowed to every other country, not excepting those which were actually at war with France. So marked a measure as this could not well be viewed by the French in any other light than that of hostility; and if they were right in point of fact, it would be impossible for any impartial man to lay his hand upon his heart and say, that their complaints on this head were frivolous and groundless. In order to clear up the question of fact, it was his intention to move for copies of the orders given by His Majesty's Ministers for stopping the exportation of corn to France. There was another point, also which ought to be cleared up before the House proceeded to take the message into consideration. The National Convention asserted, that England had entered into a treaty with the Emperor in the month of January. If this were true, it was unquestionably an act of aggression against France, and would put it out of the power of any noble Lord to concur in an address to the Crown, declaring that France had commenced the war on groundless pretences. Before he should make any motion on these subjects, he wished to learn whether the noble Secretary of State would, of his own accord, agree to produce the papers, which could alone enable their Lordships fairly to meet the important discussion to which the order of the day would lead. At present he should only conclude with moving for the orders of the Privy Council for prohibiting the exportation of foreign corn to France.

Lord GRENVILLE said, it was by no means his intention to produce any more papers than those which were already before the House, because he did not think that any more were necessary to ground and warrant the address which he should have the honour to move in return for His Majesty's message. But it was his intention to admit the fact, that Government had interfered to prevent the exportation of corn to France; and in the course of his speech he would endeavour to shew that the measure was wise and praise-worthy. If he should not adduce sufficient reasons for shewing the propriety of the address which he intended to move, the noble Lord might propose to negative or postpone it, and then make a motion for the production of more papers.

The Earl of LAUDERDALE said, there could be no true dignity in a discussion without information; surely if their Lordships wished to impress their proceedings with true dignity, they would shew to mankind that before they came to any resolution they had fortified their judgement by every possible aid. What were they to be called upon to do? In His Majesty's message the rupture was said to be a groundless and unprovoked aggression on the part of the French; if their address was to be, as usual, the echo of the message, they were to be called upon to say the same thing. Would they then shut their eyes against the examination of a fact which might convince them that they could not truly approach the throne with such a declaration?

The question for the orders was then put and negatived.

The Earl of LAUDERDALE said he would not, after the fate of his first motion, press his second, particularly as he could not know whether any such treaty really existed. It was enough that he had brought the matter before their Lordships.

Lord GRENVILLE presented the papers moved for on a former day, the declarations of Lord Auckland, &c.

The order of the day was read, and

Lord GRENVILLE began by observing, that when he last addressed the House on the subject of the misunderstanding between this country and France, the motion which he made on that occasion was honoured, not indeed with the unanimous support of their Lordships, but with a concurrence so very nearly approaching to unanimity, that it could not possibly be the result of any thing but a thorough conviction of the necessity of farther armaments, and of actual war. The conduct of their Lordships on that occasion he must consider as an auspicious omen of the support which he might expect that night; for he was fully persuaded that every noble Lord who voted for the last address to His Majesty was thoroughly convinced in his own mind, at that time, that war was at that moment certain, unavoidable, and at no distant period. The event had sufficiently proved that the conviction was but too well founded. Their Lordships would recollect the state in which the negociation with M. Chauvelin was when it broke off: he had delivered a paper, purporting to contain explana-

tions calculated to remove the jealousies of this country and avert a war ; but it concluded with a declaration, that in case these explanations should not prove satisfactory, and satisfactory, his Lordship said, it was impossible they should prove, France would then prepare for war. This was a menace which sufficiently shewed that peace was not the object of France ; for she must have known that England would never bend to threats, and that therefore to hold them out was the most effectual way not to conciliate or maintain a good understanding, but to provoke a war. His Majesty, in the whole course of the negociation, had demonstrated, that the continuance of peace was the object nearest his heart, and that nothing but dire necessity should make him resort to war. It was this pacific disposition which had induced the King to authorise his Ministers to treat with M. Chauvelin even in an unofficial way, that no means of preserving peace might be lost. In obedience to His Majesty's commands, a negociation was opened, in which his Ministers desired to wave for a time the question of recognising the new French Government or its Ministers : they wanted not to make this a preliminary to negociation, but a measure to which a friendly intercourse might ultimately lead, if France should manifest, in the course of unofficial communications, a pacific disposition, and a desire to quiet the alarms and promote the tranquillity of Europe. Had France been really disposed to peace, she would have adopted this mode of treating, or at least she would have declared, that it would not become her dignity to treat in such a manner ; but instead of concurring with His Majesty in the measure which he had recommended for the sake of peace, or of stating any objection on the score of dignity, she pressed forward the question of recognition, and desired that her Minister might be immediately received as Ambassador from the Republic. Such a proceeding could not have been dictated by the spirit of peace, and might well be considered as a preliminary to war ; the object of it could be mistaken only by a shallow statesman ; there was little doubt but that it was to found the disposition of England towards her allies, to try whether she was firmly determined to support them, and whether the people of this country were ready to stand by His Majesty in a war against France. If such was her object, it

was evident she had been out in her calculations ; for she had discovered that the people of England were not to be separated from their King, and that they were at all times ready to arm, when summoned by the sacred obligation of treaties; and a regard to the honour and character of their country. When His Majesty's Ministers refused to make the recognition of the French Republic a preliminary to negociation, the Executive Council of France adopted a measure which, of itself, might be considered as a complete rupture of all negociation, and tantamount to a declaration of war ; for an order was immediately issued, contrary to the law of nations, and to the faith of treaties, for stopping all the British ships in the ports of France. Here His Majesty might have considered his dignity so far attacked as to justify a determination on his part not to listen to any offer of negociation, short of an apology and reparation, for so outrageous an act ; but his love for peace still prevailed, and would not suffer him to renounce any chance for the continuance of it. To this end it was that Lord Auckland, the English Ambassador at the Hague, having dispatched advice home that General Dumourier, Commander in Chief of the French armies in the Netherlands, had sent to him to propose a personal conference with him (Lord Auckland) at a certain time and place, for the purpose of resuming the negociation, and trying to avert the calamity of a war, His Majesty resolved to give his Ambassador leave to attend the conference. From this step on the part of France, and the King's readiness to co-operate in the happy work of restoring peace to Europe, it might well have been expected that the period of a general pacification was at no great distance. But how would their Lordships be astonished when they should hear, that, on the very day fixed for the conference between Lord Auckland and General Dumourier, and to which His Majesty had readily assented, the National Convention actually declared war against England and Holland ? This step was a clear manifestation of the hostile disposition of France, and of her determination at all events to break with us, and to attack the Dutch. This step could not possibly leave a doubt in any man's mind which of the two, England or France, was the aggressor. Were he to rest the motion which he intended to make on what he had already advanced, he was convinced that

their Lordships would agree with him in declaring to the King and to the world, that the war was unprovoked on our part; that it was on groundless pretences that France was entering into it; and that those pretences were urged for the purpose of concealing from Europe, as far as she was able, the system of aggrandisement which she was endeavouring to pursue and establish. But in a case of such magnitude as the present he was willing to meet every thing that had been advanced by the National Convention as ground of the war; and he trusted he should make it appear that the pretences which they brought forward were in some instances false, in others either frivolous or absurd. That he might speak with greater accuracy, he said, he would read those different grounds from the account published by the Convention. He began by observing, that this account consisted of three parts: — first, the report made by M. Brissot; second, the speech made by another Member, which the Convention ordered to be printed; third, the decree, containing the enumeration of the acts by which England was said to have provoked the war, and the declaration of hostilities. He said, he had too much respect for their Lordships to read the infamous libel which Brissot's speech contained upon the King of Great Britain, a sovereign who was so beloved by his people, who was so justly dear to them, and who invariably considered his own happiness as inseparable from that of his subjects. To read a libel on such a Prince could answer no other end than that of exciting the general indignation of the House, and rousing the passions, when he wished to address himself solely to the understanding of their Lordships. The enumeration of the grounds on which the decree for the declaration of war was founded, contained some, which, in point of date, were long anterior to the negociation with M. Chauvelin, and of which that Minister had never once complained. This he would make appear in the course of his observations upon the decree, which began as follows:

“ The National Convention, after having heard the report of their Committee of General Defence, on the conduct of the English Government towards France:

“ Considering that the King of England has persisted, especially since the revolution of the 10th of August, 1792, to give

proofs of his being evil-disposed towards the French nation, and of his attachment to the coalition of crowned heads : ”

It was very remarkable, his Lordship said, that this was the first time that it was stated by France, that England had in the smallest degree departed, before the date of the present armaments, from the strict line of neutrality, which the King had resolved to pursue with respect to the affairs of France ; with what a bad grace the Convention brought such a charge, would appear from this striking circumstance, that the very first paper which M. Chauvelin delivered to His Majesty’s Minister on his arrival in this country contained the grateful acknowledgements of the French Government for the strict neutrality which the King had observed in the war between France and the other powers then at war with her. If any departure had taken place from that neutrality, why had not she complained of it ? But no complaint was made ; and therefore it might be fairly concluded, that she had none to make. Her making it at present served only to expose her to the reproach of having advanced what could not be supported, because it was not true. The next charge was,

“ That at the period aforesaid, he ordered his Ambassador at Paris to withdraw, because he would not acknowledge the Provisional Executive Council, created by the Legislative Assembly : ”

In answer to this, Lord Grenville said, he must touch upon points which could not but revive the remembrance of transactions, which it would be for the honour of humanity to bury, if possible, in eternal oblivion. Their Lordships would recollect, that on the 10th of August a scene of massacre had taken place, which had filled the mind of almost every man in Europe with horror : this massacre had been regularly planned, and executed with circumstances the most shocking, the bare contemplation of which must appal every breast, from which all sense of humanity was not banished. It was true that this massacre was followed by another on the 2d of September, which left the horrors of the former so far behind, that when compared with each other, one appeared completely lost in the enormity of the other. But before the 2d of September, the revolution of the 10th of August must be, and was, considered as one of the most horrid transactions that had ever disgraced the

annals of mankind. The murders and butchery of that day threw into the hands of the perpetrators the power of France. They boasted in the face of the world, of the share which they had had in the dreadful tragedy, and stated it as the ground of their claim to public favour. Was it with such men, that His Majesty's Ambassador was to treat? Would it have become the character of Great Britain, to give her sanction to a measure, which could not fail to excite the general indignation and execration of all Europe? Would it have become her to make her Minister treat one day with the King of France, and the very next day with those who had dethroned him, and by means of acts which must fill the mind of every man with horror? On such an occasion, he was ordered to do what was best suited to the dignified and humane character of England, he was ordered to quit France and return home. His Lordship did not mean to say that, because a country had changed its Government, other nations had a right to interfere in its concerns; but this he meant to maintain, that every surrounding nation had a right to expect the establishment of such a government, as would give security to the people at home, and tranquillity to neighbouring states; and that until such Government was established, they were not bound to enter upon the question of recognition, but had a right to wait to see the effects of any institution, which might be set up for the moment, by those who for the time possessed the power of the country. Our Ambassador, he said, could not have been suffered to remain in Paris after the event of the 10th of August, without recognizing the new Government, a measure which would on many accounts have been highly indecent, and which on one ground would have been extremely impolitic, as it could not have taken place without a hasty and premature decision on the question of recognition. It would, he was sure, be conceded to him, that as a faction might for a time procure power, so a foreign nation was not bound to recognize the Government set up by such faction, until it should appear to have had the sanction of the people at large. This principle applied to the situation of France at, and before, the 10th of August, would decide the question, and shew that our Ambassador ought not to have been authorised immediately to recognize the new Government. It was well known that the Con-

stituent Assembly had with the almost unanimous concurrence of the nation established a limited Monarchy in France. A Republican party was known to exist in the kingdom; but it was comparatively small, and served only to shew by their feeble opposition at the outset, that the great bulk of the nation was for a limited Monarchy. This party, however, gaining ground in the second Assembly, began to entertain hopes of overturning the Monarchy, and establishing a Republic on its ruins. For this purpose, the persons who composed it began to form plans for dethroning the King; but no sooner had their designs got wind, than addresses were sent up from all the departments declaring their determination to maintain the Constitution with a limited Monarch at his head, and oppose at the hazard of their lives and fortunes, the establishment of a Republic. The Legislative Assembly following the impulse of the general sense of their constituents, devoted to execration every person who should attempt to alter the Constitution, or pull down Kingly Government. The Republican party however prevailed in less than three weeks after this; the horrid schemes of revolution which were carried into execution on the 10th of August, were planned by the party, and the Legislative Assembly being surrounded by a military force, and under the daggers of murderers and conspirators, forced to rescind its own decree, to abolish the Constitution which each of its Members, and the whole nation, had sworn to maintain, and by suspending the King, to establish a Republic on the ruins of Monarchy. Had His Majesty's Ambassador been ordered to acknowledge the new order of things at that moment, into what an awkward situation might he not have been thrown! Had the departments done what, from their unanimous addresses, might have been expected, had they marched their troops to Paris to release their captive King, to chastise an impudent faction, and restore a Constitution which only three weeks before appeared to be an object of veneration to the whole kingdom, in what a pitiful light must our Ambassador have appeared, one day recognizing the King, the next, recognizing the conspirators who had dethroned him; and immediately after going with the Departments to salute him again upon the throne. The only way to avoid so scandalous a scene, was, to recall the Ambassador, by doing which, His Majesty's Mi-

nisters prudently gave themselves time to consider, what was the sense of the people of France, and what would be the Government of their adoption. The recall of Lord Gower was, therefore, a measure of prudence and wisdom on our part, and by no means a symptom of a disposition in England to point out what Government it was her wish to see established in that country. And therefore, he was warranted in saying, that this was not a rational ground for a declaration of war on the part of France. The next charge brought against England by the National Convention, was "That the Cabinet of St. James's has ceased, since the same period, to correspond with the French Ambassador at London, on pretext of the suspension of the heretofore King of the French; that since the opening of the National Convention, it has refused to assume the usual correspondence between the two States, and to acknowledge the powers of this Convention; that it has refused to acknowledge the Ambassador of the French Republic, although provided with letters of credit in his name." The answer to the former charge, would, in a great measure, serve also for this. England had a right to set what degree of stability the new Government was likely to acquire, before she could deem it proper or safe to recognize it. But it was not true that all correspondence had ceased between the two countries; for His Majesty, to shew his sincere disposition to peace, had directed his Ministers to treat in an unofficial way with M. Chauvelin, by which mode of proceeding the question of recognition would not be prejudiced, and yet all the good effects that could arise from the most regular correspondence would be produced.

The next charge brought him directly to that subject, which had already been mentioned by the noble Earl, who made a motion for papers, which he had not deemed it necessary to call for. The charge was as follows: "That it has endeavoured to impede the different purchases of corn, arms, and other commodities ordered in England, either by French citizens or the agents of the Republic; that it has caused to be stopped several boats and ships loaded with grain for France, contrary to the treaty of 1786, while exportation to foreign countries was free." This charge, he admitted, was founded in truth; but it contained no fair or rational ground for war. In the first place, the Crown was allowed to possess the prero-

gative, time out of mind, of prohibiting the exportation of arms and military stores ; this prerogative was strengthened by an act of Parliament, which the King felt it his duty to enforce, under the existing circumstances of affairs. It had been doubted whether naval stores came within the powers of the prerogative, or of the act of Parliament to which he alluded ; but to remove the doubt, the Legislature had thought proper, during the present session, to pass an act, empowering the King to prohibit the exportation of naval as well as military stores. The charge, therefore, as far as this went, did not affect the Executive Government, but Parliament itself, whose conduct it was not necessary for him to justify to itself.

With respect to the stopping of corn, he allowed it to have been an act of the Executive Government, and in every point of view strictly justifiable. In the first place, England had a right to judge what quantity of corn could be spared from her own consumption ; in the exercise of that right she had prohibited generally the exportation of English corn ; and this she might do without rendering an account to any one. He admitted, however, that the prohibition had another object, and extended also to foreign grain intended for France. From the conduct of that country, it was evident, for some time past, that she was meditating a rupture with us, and was making preparations for that purpose. With a full conviction that such was her design, it would have been madness in His Majesty's Ministers to allow her to lay in stores of corn for supplying her fleets and armies, which they knew very well were soon to be employed against Great Britain.— It was on this view of the case that he had for one advised the measure of prohibiting the exportation of English corn, or of foreign corn in English bottoms to France ; he avowed the measure, and was perfectly satisfied that all Europe would find its vindication in the law of Nations. Before he dismissed this part of the subject, he begged leave to observe, that the prohibition, as far as it related to foreign corn, did not prevent the exportation of it to France in foreign bottoms ; for that was allowed ; and though a foreign vessel carrying foreign grain from England to France had been stopped,

it was only through mistake, and was afterwards suffered to proceed on her voyage. The exact state of the prohibition was, that English corn was not allowed to be exported to France in any bottoms; nor foreign corn in English bottoms. The next charge, his Lordship remarked, was of a truly ridiculous nature, and might well excuse a laugh on the part of their Lordships, if it were fit to laugh at all whilst they were engaged in so serious and solemn a discussion as the present. It was this: "That in order still more effectually to obstruct the commercial operations of the Republic in England, it obtained an act of Parliament prohibiting the circulation of assignats." This was, no doubt, a dreadful crime on the part of England, who ought to be punished with the calamity of a war, for having endeavoured to prevent her own truly valuable paper currency from being polluted, by coming in contact with the bankrupt paper of France; and the latter had unquestionably good grounds for complaining, that after she had forced her assignats on the point of the bayonet down the throats of her own people, she should meet with resistance when she was endeavouring, by force of arms, to cram them down elsewhere, and compel a currency to which they were not intrinsically intitled. This measure of stopping the circulation of assignats, was to be ascribed not to the executive Government of this country, but to Parliament, who had in the present session passed an act for this purpose. The next charge was, "That in violation of the fourth article of the treaty in 1786, it obtained another act, in the month of January last, which subjects all French citizens, residing in, or coming into England, to forms the most inquisitorial, vexatious, and dangerous." On this he would observe, that it ill became France to complain of regulations adopted here for our own safety, and state them as infractions of that treaty, which, if such regulations could be fairly deemed infractions, had been broken every day in France for the last four years; and he could appeal to a noble Earl (Lauderdale) whether it was not true, that the English in France were obliged to procure passports, and to exhibit them, not as the French in England were bound to do, to Magistrates, but to every officer and soldier of the regular

army, of the National guards, or of the National gendarmerie, who should think proper to demand them ; he could appeal also to the same noble Lord, whether the English were not liable to visits from persons sent to look for arms, and whether they were not obliged to give an account of their business, and of the places to which they were travelling ; these, he said, were matters of notoriety, and complaints had been made to him by English travellers, who had applied for his interference for redress. But he reflected, that the French might have thought such regulations necessary for the security of their new Government, and therefore he did not think it proper to interpose, or complain of them as infractions of the commercial treaty. That the regulations adopted in England might be dangerous, he was ready to allow ; but then it could be only to such Frenchmen as had come into this country for the purpose of exciting discontents and sedition ; to all persons of a different description, they were perfectly harmless.

The next charge was, “ That at the same time, and contrary to the 1st article of the peace of 1783, it granted protection, and pecuniary aid, not only to the emigrants, but even to the chiefs of the rebels, who have already fought against France ; that it has maintained with them a daily correspondence, evidently directed against the French revolution ; that it has also received the chiefs of the rebels of the French West-India colonies.” He wished that this charge had not been worded in such general terms, but that it had specified any particular act, of which France had truly reason to complain. As it stood at present, the only part of it that was really intelligible, was that which related to the humanity with which a number of unfortunate men, flying from the daggers of murderers, had found an asylum in England, and on the humanity of Englishmen, some relief from their distresses. So far was he from denying this fact, or admitting it to be a good ground of charge, that he considered it as the highest glory to his countrymen, that had felt for the wants of the distressed, and expressed their sympathy by noble and generous benefactions. He could not dismiss this charge, without observing that it was with a bad grace indeed, that

France complained of our receiving their emigrants; for it was not to be forgotten that they had received Dutch emigrants, formed them into a corps, called them the "Batavian Legion," and posted them on the frontiers of Holland, with a view to encourage a revolution party in that country. From this it would appear as if France enjoyed an exclusive privilege of doing without guilt, what, if done by another nation, would draw upon it French vengeance, and French arms. The next charge was, "That in the same spirit, without any provocation on the part of France, and when all the powers are at peace with England, the Cabinet of St. James's has ordered a considerable naval armament, and an augmentation of the land forces: That this armament was ordered at a moment when the English Minister was bitterly persecuting those who supported the principles of the French revolution in England; and was employing all possible means, both in Parliament and out of it, to cover the French Republic with ignominy, and to draw upon it the execration of the English nation, and of all Europe; that the object of this armament, intended against France, was not even disguised in the English Parliament." The answer was, that the armament had not taken place in England, until France had put to sea a considerable squadron, which appeared in the Mediterranean; till she had occupied with her armies the Austrian Netherlands; till she had violated the rights of His Majesty's allies, and absolutely refused to give any satisfactory explanation of her conduct. It was a very curious charge indeed "that the armament was ordered at a moment when the English Minister was bitterly persecuting those who supported the principles of the French revolution." Now it had so happened that none were prosecuted, for persecuted was out of the question, but those who were endeavouring to excite sedition; if therefore this charge were true, it must follow that the principles of the French revolution are to excite sedition. The English Minister was certainly not entitled to the honour of drawing upon the French Republic the execration of the English nation and of all Europe; that task was performed by the Republic itself or its Convention, by its unexampled acts of cruelty, oppression or injustice;

the mockery of the trial of the King, and the insult offered to justice, when the Assembly was imputing to that unfortunate Prince the massacre of the 10th of August, whilst its Members were daily boasting that the glory of that bloody scene belonged exclusively to themselves. It was true, that the object of the armament was not disguised in England; on the contrary, it was avowed to be for the purpose of fulfilling our engagements with our allies, and raising a barrier against the aggrandizement of France. The next charge was—"That although the Provisional Executive Council of France has employed every measure for preserving peace and fraternity with the English nation, and has replied to calumnies and violation of treaties, only by remonstrances founded on the principles of justice, and expressed with the dignity of freemen, the English Minister has persevered in his system of malevolence and hostility, continued the armaments, and sent a squadron to the Scheldt, to disturb the operations of the French in Belgium:"—The answer was, that the King's Ministers had continued and extended the armaments, not from any wish for war, but for the purpose of guarding against the ambitious views of France, which she obstinately refused to abandon. No doubt it would be thought by all Europe that it was a heinous crime in England to have sent a squadron to the Scheldt, for the officious purpose of disturbing the operations of the French in the Netherlands, who ought not to have been interrupted in their career of aggrandizement. Every one must be convinced, that the conquest of those provinces was their object; but that they never could expect to retain them, whilst Holland continued to be a distinct and independent State; the conquest of Holland was therefore a necessary part of their plan; it was of course extremely unkind in Commodore Murray, with his squadron, to defeat it.

The next charge brought to the recollection of the House an event which every man must equally lament and execrate. The charge was, "That, on the news of the execution of Louis, he carried his outrages to the French Republic to such a length, as to order the Ambassador of France to quit the British territory within eight days; that the King of England

has manifested his attachment to the cause of that traitor, and his design of supporting it by different hostile resolutions adopted in his Council, both by nominating Generals of his land army, and by applying to Parliament for a considerable addition of land and sea forces, and putting ships of war in commission." It was his wish not to have touched upon the dreadful murder of the King, because he meant not to interest the feelings of their Lordships, but to address himself solely to their understandings; but it being brought forward, he must say something upon it. It was an act which had consumed the guilt of the Convention, and left all its other acts of cruelty in the back ground; Europe had heard it with horror; and at such a moment to have received M. Chauvelin as a Minister from a body so branded with infamy, and which, at the same time, instead of giving satisfactory explanations on points in which England had a right to demand it, absolutely presumed to hold out menaces, would have been an instance of pusillanimity which no situation of affairs could justify, or even excuse. M. Chauvelin applying at that time to be recognised as a Minister from the Republic, reminded him of what he learned from history, which had passed after the dreadful massacre of St. Bartholomew: The French Ambassador in England was admitted to an audience of Queen Elizabeth; passing through the apartments leading to the presence chamber, he found them all hung with black; the Courtiers and the Queen were in deep mourning, and in the coldness and gloom of the reception, he saw how much the dreadful massacre was execrated. Had M. Chauvelin been admitted as Minister to an audience of our King, after the murder of his own, he must have found the Sovereign and his Court in mourning; but this would not have been all; he must have passed through the streets of a city, where almost every one wore the garb of sorrow, and execrated the shocking deed which had given them occasion to put it on; no one could tell to what excesses their indignation might prompt them, on seeing the Minister of the murderers of their King; his person might not have been safe, and in it the sacred laws of nations might have been violated; to send him away was the wiser mode of proceeding. If putting on mourning, and feeling sorrow for the murder of the King, was an act that called for a war, it would not be against the King of England

and his courtiers that the French would have to wage it, but against almost every man in England, and indeed all Europe.

It had been said on a former day, by a noble Marquis (Lansdown) that the murder of the King might have been prevented; and the means which he thought might have been used with success for that purpose, were bribery and corruption. This could not have been meant as a panegyric on the National Convention; for it would be no compliment to men to say, that though deaf to justice, humanity, and the honour of their country, they would listen to the tempting offers of gold; for his part, he did not think that money would have produced the desired effect; the cause of the murder lay too deep for avarice to reach it, it was the effect of foul ambition, the more horrible, as it was the more unnatural. It was true, that after the murder of the King, the armaments were increased, but not on account of that melancholy event, but of a variety of other acts done by France, which evidently shewed that it was her determination to go to war with England and Holland. The non-residence of an Ambassador at a Court, was not in itself a ground for war; there were countries which from etiquette, or some punctilio, were not in the habit of interchanging Ambassadors. This was the case with the Courts of Sweden and Portugal, who had not for many years, till the very last year, interchanged public Ministers. There were other instances, as at Constantinople, where several courts kept resident Ambassadors, though the Porte kept no resident Ministers with them. And yet those different nations were in perfect amity with each other, and never thought of war on such an account. This, he said, applied as well to the case of M. Chauvelin, who had not been recognized, as of Lord Gower, who had been recalled. The last charge was as follows:

“ That his secret coalition with the enemies of France, and particularly with the Emperor and Prussia, is confirmed by a treaty concluded with the first in the month of January; that he has drawn into the same coalition this Stadtholder of Holland; that that Prince, whose servile obsequiousness to the orders of the Courts of St. James's and Berlin is but too well known, has in the course of the French revolution, and notwithstanding the neutrality which he professed, treated with disdain the agents of France, received the emigrants, harassed

the French patriots, counteracted their operations, released, in opposition to established usage, and notwithstanding the demand of the French Minister, persons who had been guilty of forging assignats; that in the mean time, with a view to concur in the hostile designs of the Court of London, he gave orders for a naval armament, named an Admiral, appointed Dutch ships to join the English fleet, opened a loan to defray the expences of the war, put a stop to exportations to France, while he favoured sending supplies of provision to the Prussian and Austrian magazines.

“ Considering, in fine, that all these circumstances no longer leave to the French Republic any hope of obtaining by means of amicable negociation, the redress of these grievances, and that all the acts of the British Court, and of the Stadholder of the United Provinces, are acts of hostility, equivalent to a declaration of war, the National Convention decrees as follows:

“ Article I. The National Convention declares in the name of the French nation, that, considering the multiplied acts of hostility and aggression of the above-mentioned powers, The French nation is at war with the King of England and the Stadholder of the United Provinces.”

With respect to the assertion of coalition with Austria and Prussia, and of a treaty with the former for the purpose of giving effect to what was called the concert of Princes, Lord Grenville said, his answer was in four short words,—“ It is not true.” No such treaty or coalition had been formed: but, on the other hand, it was very natural that when His Majesty saw that war was inevitable, he should confer with those powers who had a common cause with him, for the purpose of concerting operations for promoting the common interest, which they had to set bounds to the ambition and principles of France. Such were the charges brought against England, as the grounds of the war; and one might have imagined that the Convention would have rested satisfied with having jumbled such a heap of them together; but it seemed there was one measure more adopted, and that was, that an address to the people of England should be drawn up and published. He was very anxious to see the production that would be given to the world under the name of this address. His curiosity was

raised on tip-toe for its appearance, on account of the names and persons who had been chosen for drawing it up. One was certainly a gentleman of great abilities, M. Condorcet, but not extremely remarkable for consistency ; for when on a former day one noble Lord quoted that gentleman's writings to shew that he wished to raise disturbances in England, and overturn its Government as tyrannical ; another noble Lord (Stanhope) had read a private letter from M. Condorcet, to shew that he considered the English Government as perfectly free. It was a pity that this gentleman did not reserve his republican principles for his private correspondence with the noble Lord, upon whom they could have no bad effect, and publish in his newspaper his eulogium on the English Constitution, which unfortunately he confined to his private correspondence with his friends. Another person employed to frame this address was Barrere, a person who was president of the Convention during the whole time of the King's trial.— The successor of Bradshaw was, no doubt, a very proper person to reconcile the people of England to the abolition of Monarchy, and the murder of Kings. The last person was perhaps the most remarkable of the three : it was odd that out of 750 Members of the Convention, the man who was thought most fit to disgust the people of England with their Constitution, was he who was tried and convicted of having libelled it, and whose name was held in execration by the whole kingdom. Such a man was Tom Paine. The Convention, in publishing an address to the English nation, was but little acquainted with the disposition of the people of England, whom nothing could bind more closely to their King and Parliament, than an attempt by France to separate and disunite them. The principles inculcated by the Convention were injurious to every society ; they inculcated that insurrection on the part of the people, was not only a right, but a sacred duty ; the consequence was, that if the principles were adopted, there would be an end of all stability of Governments, and consequently there would be an end to the peace and order of society. Nothing could equal the wickedness of the principles of the French revolution, but their complete disregard of them, whenever their interest required that they should abandon them. Thus, though they asserted, that sovereign power necessarily resided in every

people, the Convention had annulled the elections of representatives made by the people of the Netherlands, ordered them to proceed to new elections; directed that the French troops should be called out at the time, no doubt for the purpose of securing the freedom of voting, and lastly, that in case of any contested return, the French Commander in Chief should finally decide the question. Such were the principles that the French were absurd enough to think they could get the people of England to adopt. As to the war in which we were now engaged, when he looked at the means of both countries to carry it on, he could not help looking forward with the most sanguine hopes of success. Having thus largely discussed the various grounds of the war, he said, he would conclude by moving an address, to which he hoped for the general adherence of the House. His Lordship moved an address accordingly.

The Duke of PORTLAND begged the indulgence of their Lordships for one minute, to declare that he gave his most cordial assent to the address moved by the noble Secretary; for the question was not this day about the probability of war, or about the means of avoiding it; but directly, whether we should stand upon our own defence, for the French had declared war. The part which we had to act was unavoidable, and he had no hesitation in saying that he should give his firm support to a war, the object of which was, to resist doctrines that, in his opinion, went to the overthrow, not merely of all legitimate government, of the security of nations, of peace and order, but even of religion itself, and of every thing for which society was instituted. He pledged himself, therefore, to the support of the war into which we were plunged; declaring, at the same time, that he should not consider this as tending to prevent him from inquiring scrupulously into the conduct of Ministers in the way in which they should carry it on. As to what might be the power of the enemy, it was not, he thought, a question upon which they could now deliberate. If they were now in the very zenith of their power, and attempted by the same means to propagate the same doctrines, he would be ready to incur all the dangers of the war; for he thought that we never were engaged in a war upon which the very existence of the Government of this country was so much at stake.

Earl STANHOPE said, it was too true that never, never was this country placed in so imminent a situation. It was, indeed, a most important question upon which they were now to decide ; it was no less than whether that House was ready to pledge itself to the support of a war begun by our Ministers, and in which we were the aggressors ? It was trifling with the understanding of the nation to refine upon the ceremonies and the etiquette that had been so much indulged in this affair.—What was the fact ? By the second article of the treaty of commerce, concluded in 1786, which he ordered to be read by the clerk, it was expressly declared, that, in case of any subject of misunderstanding arising between the two nations, the sending away the Ambassador of one of them should be deemed a rupture. A misunderstanding had taken place, upon which the two nations had corresponded, and M. Chauvelin was ordered away in the most ignominious manner. Here then was the rupture. He could not, therefore, in his conscience, say, that this was a groundless and unprovoked aggression by France, for he considered it to be a war brought upon us by our own Ministers. They had begun it ; they had taken the very course prescribed by an existing treaty to begin it ; and if it was desired that the nation should act with becoming vigour upon the emergency, it was fit they should be told the truth ; it was impossible to disguise the fact from Europe, or from posterity. He knew that he should be unpopular during the present phrenzy, by thus declaring his opinion ; but though he would have been ready to stand the last hazard in a war, where real and essential injuries had been sustained, he could not, as an honest man, agree to sanction a war where we were the direct and sole aggressors. He charged his noble relation with not being correct in his facts. The Legislature had not established the Republic ; it had been done by the Convention ; and surely, if any Assembly could ever be supposed to speak the sense of a whole people, it was the present Convention of France ; for every man within the territories had a right to chuse his representative. However noble Lords might object to this mode of election, they certainly could not say that an Assembly so elected did not speak the sense of the people. The noble Lord said, that in going into this war, it seemed to be a principle not to compare our own strength against that of the enemy.

We were to be plunged into it headlong, and yet the strength of the French was not an object to be despised. What were their resources? They had declared, what all the world felt to be the case, in every country, that the Crown lands were the property of the nation. They have declared what most men conceive, and what, says the noble Lord, I conceive is the case here and every where, that the Church lands are in truth the property of the nation. I conceive it, my Lords, for the simplest of all reasons—they differ from every other species of property—they are not of the nature or essence of property; they are a mere salary, and if a nation chuses, they may withdraw that salary as a nation may withdraw its appointments from any person or body which it chuses to do without. This was not all; they had done what America did in the case of the Loyalists, and what we did in 1715 and 1745—they had confiscated the estates of the emigrants. They had by this means got possession of the property of 29,000 persons; it amounted to no less a sum than 192,000,000. sterling, upon all which sum, the annual rents of which they are now in the receipt of, they might borrow money. A statement had been laid before the Convention, by which it appeared, that after all the expences already incurred, and after all the expences of 1793, they would still have of property in their hands, ready to be converted into the actual sinews of war, 152,000,000. sterling, —finances such as neither this country, nor all the countries of Europe put together, could equal. Such is the ability of the enemy that we despise. He said, he was sure that the war might have been avoided, he was sure that it might even yet be avoided, and in this sentiment he deprecated the folly, the injustice, the insanity, of rashly declaring that the war was an aggression on the part of France, when it was indisputably the act of our own Ministers. He would move an amendment, that would put truth into the address to be presented to the King, and by the moving of which, he should at least discharge his own duty to his King and country. He concluded therefore by moving, to leave out all the words of the motion made by the noble Secretary, after the words "That an humble address be presented to His Majesty," and to substitute the following :

“ That an humble address be presented to His Majesty, to represent to His Majesty, that, by directing the French Ambassador to leave this kingdom, His Majesty’s Ministers have (independently to repeated provocations) produced a rupture between this kingdom and France, inasmuch as by the second article of the treaty of navigation and commerce, made in the year 1786, between Great Britain and France, it is expressly declared, that the sending away from either nation the Ambassador of the other nation, shall be deemed a rupture between the two countries. And humbly to represent to His Majesty, that, before this House can encourage His Majesty to concur in measures for carrying on a war against France, this House humbly requests to be informed of the objects which His Majesty proposes to obtain thereby.”

The Earl of MORTON objected to Lord Stanhope’s explanation of the 2d article of the commercial treaty, and adopted, with his whole heart, the address of the noble Secretary.

Lord STORMONT next rose, and said, whatever difference might have existed among their Lordships on the discussion of the last question, there was in consequence of a recent event, the unprovoked aggression of France, not the smallest room for dissent. He complimented the noble Duke who had seconded the address, and declared, that if any thing could have raised him still higher in his opinion, in which he had always held a very exalted place, it was the manly avowal of those sentiments which had just now taken place. The House were nearly approaching the much-wished-for point of unanimity; and, indeed, how could it be otherwise? A choice of situation was no longer left to us. France, by the first act of aggression and hostility, had forced this country into a war. Were we to make a spirited and an early resistance, such as became a great nation, or tamely expose our bosoms naked and defenceless to the sword which stood unsheathed to pierce us to the heart? Such a conduct would sink us from the happy and exalted station in which we now were placed, to the lowest level of French anarchy and disorder. Nay, were it possible for him (which it was not) to propose such a conduct to be pursued, their Lordships’ indignation would burst into expressions, which it would be no impeachment of their politeness to

use. The intentions of the French nation towards us had been sufficiently clear. They aimed at nothing less than the overthrow of the Government. This was evident from their wish of establishing a National Convention among us. Would any man affirm, that we were tamely to submit to this? If so, we sought peace even at the price of our destruction. We supplicated it on bended knees—

Oremus pacem, et dextras tendamus inermes.

A National Convention, if at any time convened, annihilated the existing Legislature. But France, surely, in its present enfeebled and degraded condition, would never be able to accomplish that, to which the whole power of Louis the Fourteenth was incompetent. The distresses of that country were already immeasurable. One of them had said, that to prevent a scarcity of other provisions, they should live two days in the week on rice and potatoes. The noble Earl (Stanhope) had considered our dismissal of their Ambassador as an act of hostility, expressly so declared by the treaty of commerce. Was an Ambassador not to be dismissed, he asked, even if he violated the laws of nations, from the observance of which alone he was entitled to protection? Such circumstances might occur as would render such a step necessary and unavoidable; as in the case of Count Gyllenbourg, Ambassador from Sweden, in the reign of George the First, whose papers were seized and whose person was imprisoned. But France had committed this first act of hostility by the seizure of our vessels. This was a violation of the 19th article of the treaty of Utrecht, which was confirmed by the last treaty of Versailles. What was our offence complained of by France? That we had afforded protection to the refugees, a race of men driven to our hospitable shores by the adverse blasts of fortune. Were our bosoms to be steeled against every principle of compassion? and were we not to be permitted to mitigate those sorrows which we could not effectually remove? The feeling was natural, and the impression irresistible.

Sunt lachrymæ rerum, et mentem mortalia tangunt.

His Lordship concluded his speech, by deprecating the progress of French principles. They were mischievous in the extreme,

and therefore perfectly congenial to men who were the blasphemers of their God, and the murderers of their King. A combination of Powers, exerting themselves to crush France, had been censured as an act of impolicy and injustice. But for his part, he should think himself justified in exciting every corner of Europe, in order to suppress that pestilential contagion of opinions, which would otherwise rage to the destruction of mankind. Nay, should we not be able to arrest their progress, rather than fall victims to so dreadful a calamity, he would pray, that an earthquake, or some other convulsion of nature, would bury these islands in the bosom of the deep, while the morals of the country remained pure, and its honour unfulfilled.

Lord LAUDERDALE said, So much has been said by the noble Lords respecting unanimity on the important subject of this night's debate, that I feel some difficulty in the manner of my address to the House. There is not one of your Lordships who more ardently wishes for unanimity than myself, in every question that may respect the welfare of the country, the dignity of the Crown, or the honour of your Lordships. It is always unpleasant, and peculiarly so upon this occasion, to differ from the majority of this House, and what is of infinitely greater consequence, to differ, perhaps, from the majority of the people of England. It would indeed give me the most painful sensations, that the honest discharge of my duty here should be disapproved of, upon a supposition, that my faculties were not equal to comprehend the vast object of our discussion, or that the propensities of my nature led me to a singularity of conduct merely for the sake of opposing those whose honour, rectitude, and understanding I revere. It is not to me, however, a hopeless attainment that your Lordships and the Public will one day be convinced that the measures you are now pursuing, are injurious not only to those whom you improperly call your enemies, but to your allies, and to the welfare of the State.

If the public opinion were under no improper influence; if the minds of men had not been agitated by groundless fears; if the most designing arts had not been employed to warp their judgement; if the most interested and despicable characters

had not too well succeeded in their impostures, I should feel myself perfectly safe in appealing to this or the most public tribunal, upon the necessity or policy of the war into which we are about to be plunged. But do not your Lordships know, is there a man in Great Britain ignorant, that the most wicked arts have been practised, and by men who will hereafter be held in abhorrence, to mislead, irritate, and confound the multitude? Have not hand-bills, wretched songs, infamous pamphlets, false and defamatory paragraphs in newspapers been circulated with the greatest assiduity, all tending to rouse the indignation of this country against France, with whom it had been long determined, I fear, to go to war? To such low artifices were these mercenaries reduced, that they had both the folly and audacity to proclaim, that the New River water had been poisoned with arsenic by French emissaries. My Lords, these tricks cannot long succeed. The jugglers are suspected, and the Public will soon unveil their impostures. I feel a strong objection to the language.—[Here a conversation rather loud took place in the House, which attracted his Lordship's notice.] After a short pause, his Lordship proceeded thus: “ My Lords, I know no person who is called upon to speak in public, that may not feel unpleasant by any interruption; but if this loud conversation is intended to have that effect, I must assure your Lordships, it moves me not. It would be improper, it would be false delicacy to say, that any thing of that sort can confuse me; and with your Lordships' leave, I will resume the subject in the middle of the sentence, when the conversation became loud, of the address—I say, my Lords, that the language of the address appears to me to be very objectionable, respecting the persons who exercise the Executive Power in France. Have not your Lordships repeatedly charged the Convention with using low, indecent, and scurrilous language, when they alluded to the Constitution or Government of this country? A noble Lord (Stormont,) cited passages from Condorcet and others, to prove their violence and want of decorum whenever they spoke of this country. If his Lordship was correct, let us beware of imitating bad examples; let it not be said of us that we copy the French in nothing but their low and levelling epithets. I would to God your Lordships kept

yourselves at a distance from their politics also; interfere not with their Government, their domestic concerns, or any measures of theirs which are not hostile to this country. But here I shall be told that the proceedings are adverse to us, and that they have even commenced hostilities, and are at open war with us. My Lords, give yourselves the recollection of a moment, and say, upon your honour, who were the aggressors; who gave the first offence; who, in fact, commenced hostilities. Did not the Government of this country, in open violation of treaty, detain foreign corn in our ports destined for France, before they had given us the least provocation, much less a justifiable cause for this pointed outrage? Did you not, at the same time, suffer corn, and other things perhaps of more importance, to be transported to their enemies at open war with them, who had invaded their country, and who had threatened them with utter destruction? His Majesty's Ministers have indeed spoke out, whether it was unguarded or not in them, time will prove; but they have not scrupled to say, that this embargo was laid to embarrass the enemy. I wish they had condescended to give us some instances wherein the French had at that time discovered their enmity to us. Although pressed to it again and again, we have had only vague surmises, instead of proof. But it is plain to demonstration, that the French were at that time treated by us as enemies, and we had long determined to force them into hostilities to afford a pretext for our going to war with them. Another irrefragable proof that His Majesty's Ministers were determined to involve the two countries in hostilities, is adduced from their conduct towards M. Chauvelin, who had been sent here as Ambassador of Louis XVI. he could not be acknowledged at the British Court in any other capacity. Fearing however, that his representations to the Ministers might be made public, and that this country should be convinced that it would be wise, or at least prudent, to enter into some sort of negociation with him, they cut the matter short, and, by virtue of the powers granted to them by the Alien bill, he was peremptorily ordered to quit the country within eight days. The indecency of this measure is forgotten when we recollect that it was tantamount to a declaration of war against France. It is positively provided for by the commercial treaty, that if the Ambassador shall

be dismissed from either country, it shall be considered as a breach of the treaty, and as an act of open hostility. And now that I have mentioned the Alien bill, your Lordships will give me leave to point out one striking feature in it, which deserves the severest reprobation ; and when I do it, I trust it will be a complete answer to what has fallen from the noble Lord. It has been said that strangers in France are under the same restrictions and limitations that are imposed upon aliens in this country ; and an allusion has been made, with some pleasantry, to my personal experience upon this subject. I admit that strangers cannot travel through that country without a passport, and I add, that the natives are in the same situation. But who has been obliged to apply to a Mayor or Custom-house Officer for a certificate before he can stir a step from the place of his landing ? Who has afterwards been obliged to apply for a passport to enable him to go to the place of his destination, having previously undergone the severest examination respecting his most material concerns ? Let any noble Lord inform me, whether, when these ceremonies are complied with, a foreigner cannot change the place of his abode without obtaining a fresh passport ; and whether it is not allowed to him to reside at a greater distance from Paris than fifty miles, and within ten miles of the coast ?

If all these things were so in France, still an insuperable objection remains to the alien bill ; it makes an invidious distinction between Frenchmen and Englishmen. It puts the former into complete bondage without affecting the latter ; whereas in France, and every other civilised country, the government allows greater latitude of freedom to the stranger than the native. Although this bill had given great and just cause of complaint to the National Convention, although they felt it as a direct attack upon their nation, and although they reprobated it, and the motives by which it was carried into a law, yet they refrained from reprisals ; they did not abridge the liberties of Englishmen ; they did not break off all communication with us, but authorised M. Maret to treat with our Government, and to accede to almost any terms that should be imposed upon them. It would be useless to mention to your Lordships the reception he met with. He was not acknowledged, he was not heard. He was ordered peremptorily

to quit the country, and thus insult was added to insult, and heaped upon the injuries which the French nation had before sustained. The same infatuation marked the proceedings of His Majesty's Ministers by the Ambassador in Holland. General Dumourier, who had been invested by the Executive Council of France, with full powers to treat with Lord Auckland at the Hague, not only offered to enter into a negociation with him there, but proposed to come into this country if it should be more acceptable to His Majesty's Ministers, to settle terms of lasting peace and friendship, that would ensure the growing prosperity and happiness of both countries. It is well known that he was not more successful than Mr. Chauvelin or Mr. Maret. The reason is obvious; war had been determined upon in this country, and when we were bent upon it, pretences and occasions were easily furnished. Was this the conduct we manifested towards other nations upon similar occasions? Did we treat Spain in this manner when they had seized Falkland Islands? Or, upon a more recent occasion, when they had actually seized the ships, and imprisoned the subjects of this country? Although the Minister had made formidable preparations for war, yet he condescended to enter into explanations with that power, far less formidable than France. He listened then to the voice of justice, moderation, and humanity. The blood and treasure of the nation was spared, and a happy reconciliation took place. The same measure ought to have been adopted respecting France; and then, instead of having provoked a war, the most wanton, the most fruitless, the most dangerous, and to which no end can be affixed, we should have renewed our commercial treaty, so advantageous to this country, and settled the peace of Europe upon a basis that could not have been shaken for ages; I cannot, therefore, give my assent to the address now proposed. I am ready to support the persons and property of my fellow-subjects, as well as the dignity of the Crown, and I held in my hand an amendment which I shall offer, and which I hope will meet with your Lordships' approbation. His Lordship concluded with moving the amendment, as follows:

“ We learn, with the utmost concern, that the assembly, who now exercise the powers of Government in France, have directed the commission of acts of hostility against the persons

and property[†] of your Majesty's subjects, and that they have since actually declared war against your Majesty and the United Provinces—we humbly beg leave to assure your Majesty, that your Majesty's faithful Commons will exert themselves with the utmost zeal in the maintenance of your Majesty's Crown, the vindication of the rights of your people, and nothing shall be wanting on our part that can contribute to that firm and effectual support which your Majesty has so much reason to expect from a brave and loyal people, in repelling every hostile attempt against this country, and in such other exertions as may be necessary to induce France to consent to such terms of pacification as may be consistent with the honour of your Majesty's Crown, the security of your allies, and the interests of your people."

Lord HAWKESBURY went into a detail of the breach of treaties by the French, and the insults and injuries offered to this nation; he corroborated the statement of the noble Secretary, and said, that the alien bill was the same in respect to all nations, and that all the nations of Europe might equally complain of it, and declare war upon the same grounds as France had done, which was the only power that complained of it.

He affirmed that the war was unprovoked by any act of ours that could be construed into an insult; and concluded with a warm panegyric on the noble Duke of Portland, for his patriotic declaration of support to a war, which he had truly said was in favour of the dearest rights of all society.

The Marquis of LANSDOWNE said, he had co-operated with the noble Duke, in his zealous opposition to two wars—to the American war, which was a war against principles also, and to the Dutch war, which was a war without aggression. In the outset of these wars they had heard the same lofty tone, the same inflammatory language—but, conscious that they were discharging their duty, they had given as firm an opposition to these wars, as he believed any noble Lord was disposed to give to this. It was the peculiar duty of that House to give sound advice to the Throne. Their best character was that they were a Council, not a register of edicts, and therefore thinking himself called on to deliver his opinion freely, and the benefits of free debate were too well known, and too often felt in the

wisdom of hearing and re-hearing every bill that came before them, that it was wonderful, that, on a subject of such magnitude as a war, twenty-four hours was all that was to be given to a question upon which the very fate of England, perhaps, might depend. Ministers themselves should be anxious to avoid taking the nation with this sort of surprise.—

A stock-jobber might practise a surprise by some ingenious fraud, from which he was to make a sudden profit, and which was to be at an end the next day; a lawyer might exert a lucky thought and gain for his process, by a doctrine which he himself would cast off, and reprobate the moment he had done with it; but for the Ministers of a country to take a whole nation by surprise—to inflame them by artifice—to cajole them over to a purpose by appeals to their passions, was such monstrous impolicy as well as mischief, that it could not be sufficiently reprobated. It was a mockery of their Lordships to say that they expected unanimity. They contrived to prevent unanimity—they had thrown the die—they had involved the nation—and they now came down to eke out their former arguments with all the shreds and fragments they had left. They had rallied all the little vagrant reasons which had strayed from the main body the day before, and what were they?—contemptible trifling about ceremonies. They had committed us, and their conduct now lies at the tribunal of God, of the public, and of posterity. Who are the aggressors, they who kept a Minister, or they who dismissed him—they who offered to explain, or they who refused to hear—they who offered to go on and trade in amity, or they who prohibited the export of grain to them, while open to all the rest of the world? It was well known that Dumourier was anxious to come to England to negotiate, not to fight; and nothing but the dismissal of Chauvelin, in the harsh way in which it was done, put an end to a mission that would have secured us the continuance of peace. The noble Marquis made a forcible appeal on the state of the country, on the discontents of Ireland, and the indisposition of Scotland. What would be the consequence when the *real public* of England also should be roused, and the false public (the associations) be laid asleep? The state of Holland was not a subject of confidence to those who knew it best. If its Bank, its East-India and West-India Com-

panies, should be affected, the whole fabric of Holland would give way. The great question to resolve was, what this war was for, what it was to effect, and how it was to end? It was not a war of anger, nor of vengeance. What was it?—He was afraid it was a war of aggrandisement on our part: a war to prosecute which, we were negotiating with the other powers for treaties now understood—now every thing but signed—and which, as soon as we were fairly involved, we should, upon some twenty-four hours notice, be called upon, as we are on this message, to approve.

The Duke of LEEDS warmly approved of the address, and of the war, which he thought was unavoidable on the part of Ministers, and in which they should have his hearty support.

The Earl of KINNOUL strongly objected to the assertion that Scotland was indisposed to the war. There had been attempts made to spread sedition there; but the people in general loved, and would defend the constitution; and would with one voice support the necessary war in which France had plunged us.

The Marquis of LANSDOWNE said, he spoke only of Scotland's indisposition to the war, from the declarations he had seen published; the noble Earl himself had borne him out in much more than the amount of his assertion.

Earl Stanhope's amendment first, then the Earl of Lauderdale's, were put, and negatived.

The address then passed in the affirmative, and the Lords with white staves ordered to take the King's pleasure when it shall be presented. Adjourned

Thursday, 14th February.

When the Lords assembled on Wednesday last, to carry up their address to His Majesty, Lord ABINGDON rose, and made the following observation: “ That his mind had been so long and so unalterably made up, his efforts so fixed and determined to support and maintain the Constitution of the country as it is, both in church and state, and his sentiments so well known, that he trusted the expression of them at this time was altogether unnecessary:—that it was for this reason he took no part in the debate the other night, on the subject of the address to His

Majesty ; but was now happy to be in his place, with a view of attending their Lordships with that address to the Throne, to shew his approbation of it fully and completely, in all its parts and points."

Went up to St. James's with the address to His Majesty.

Monday, 18th February.

Lord GRENVILLE moved, " That a Committee of the whole House be appointed to investigate the merits of the Scotch elections on Thursday." Ordered. ——Adjourned.

Tuesday, 19th February, and Wednesday, 20th February.

The House proceeded to the trial of Mr. Hastings on both these days, and, without doing any farther business, adjourned.

Thursday, 21st February.

The House having resolved itself into a Committee of privileges on the Scotch Peers' Elections, several regulations were suggested, in order to expedite a decision on this important subject. Several questions were propounded to the Judges, who were ordered to attend on Monday next to deliver their opinions. ——Adjourned.

Monday, 25th February.

In a Committee of Privileges, adopted the opinion delivered by the Judges, that the certificates of the qualification of certain Lords were good, notwithstanding their bearing date two days prior to the day on which their Lordships qualified, by taking the necessary oaths.

Rejected the vote of Lord Belhaven as bad.

Found the vote of Lord Napier good.

Rejected the vote of Lord Newark as bad.

Found the subscription of Lord Kinnaird, written by inadvertence " Kinnoul," a good subscription, and sustained his vote.

The following petition was presented to the House :
To the Right Honourable the Lords Spiritual and Temporal, in
Parliament assembled ;

The Petition of Robert Auriol, Earl of Kinnoul, and Lord Hay
of Pedwardine,

Sheweth,

That your Petitioner is a Peer of Scotland, and is likewise a Peer of Great Britain, sitting in this House by virtue of a patent passed un-

der the Great Seal of Great Britain after the Union; and he is therefore entitled to all the privileges which any other person having in him both characters can legally exercise.

That upon the 21st day of January, 1708-9, this House came to the following resolution, as appears by the Journals, viz. "That a Peer of Scotland, claiming to sit in the House of Peers by virtue of a patent passed under the Great Seal of Great Britain after the Union, and who sits in the Parliament of Great Britain, has no right to vote at the election of the fifteen Peers who represent the Peers of Scotland in Parliament."

That from the date of the said resolution, till the year 1787, there was no instance of a Peer, within the said description, voting, or attempting to vote, in the election of the Peers of Scotland.

That upon the 18th of May, 1787, this House was pleased to order a copy of the said resolution to be transmitted by the Clerk of Parliament to the Lord Clerk Register of Scotland, with an injunction to him to conform thereto; and such copy was transmitted accordingly.

That upon the 21st of April, 1788, the House resolved, "That it is the opinion of this House, that the Lord Clerk Register, and his deputies, acting at the election of the Scotch Peers, ought to conform to the resolutions of this House, of which they have had notice by order of the House."

That it appears by the minutes of the late election of the fifteen Peers to represent the peerage of Scotland in the present Parliament, held, in pursuance of His Majesty's royal proclamation, upon the 24th of July, 1790, of which minutes an authentic copy has been exhibited to your Lordships, that the Clerks of Session, officiating as the deputies of the Lord Clerk Register, stated to the Peers assembled, that they had received signed lists from the Duke of Queensberry and the Earl of Abercorn, which, in consequence of the resolution of this House, they were not to reckon in the return.

That the reason of this conduct was, that it being notorious that the Duke of Queensberry and Earl of Abercorn were Peers of Great Britain, within the description of your Lordships' resolutions of 1708-9, the Clerks considered the resolution as declaratory of the law, and that they were obliged, at their peril, to give obedience to your orders, and reject such votes.

That the lists so said to have been signed by the Duke of Queensberry and Lord Abercorn, and received by the Clerks, were not read or produced to the meeting of the Peers, nor did your Petitioner, or the said meeting, know for whom the said Duke of Queensberry and Earl of Abercorn, by their said lists, signified their intention to vote.

That it farther appears by the said minutes of the election, that your Petitioner was present, and qualified himself in terms of law, but that he did not offer to vote, declaring himself to be decidedly of opinion that Peers of Scotland, situated as he was, had no right to vote, and that he did not intend to claim his vote upon the then occasion, unless the votes of other Peers, in a similar situation, had been received; in which case he would have thought it incumbent on him to give his vote, in order to counteract, as far as he could, what he held to be improper and illegal.

That what has been so mentioned by the Clerks in the minutes is agreeable to the truth, and your Petitioner, upon his honour, declares, and is ready to make oath, if the House thinks proper to require his oath, that he abstained from voting, or tendering his votes, because of the declaration of the Clerks, that they were not to reckon the votes of the Duke of Queensberry and Lord Abercorn, and because their lists were not produced and read; for that if the Clerks had acted otherwise, he meant to have given or tendered his votes for the Peers following, that is to say: The Marquis of Tweeddale, the Earls of Glencairn, Strathmore, Lauderdale, Dumfries, Elgin, Selkirk, Bredalbane, Aberdeen, Hopetoun, the Lord Viscount Stormont, and the Lords Saltoun, Gray, Cranstoun, Eli-bank, and Kinnaird.

And your Petitioner farther declares upon his honour, and is ready to make oath, if required, that he would have given or tendered his votes accordingly, had it entered his imagination that the votes of the Duke of Queensberry and the Earl of Abercorn would or could have been received or reckoned good in any other stage of the business.

That the said Duke of Queensberry and Earl of Abercorn having presented their petitions to this House, complaining that their votes were not received at the said election, and praying that the same might be reckoned; and certain Peers of Scotland, candidates at the said election, having presented their petitions to this House, praying to have the benefit of the said votes as duly given or tendered, your Lordships have lately resolved, that the votes of the said Duke and Earl ought to be reckoned, if duly tendered; and the Committee of Privileges having resolved that the said votes were duly tendered, this House has now agreed with the resolution of the Committee.

That your Petitioner cannot allow himself to suppose, that your Lordships, having thus admitted the votes of the Duke of Queensberry and of the Earl of Abercorn, tendered in the manner above mentioned, by lists not produced or read, will or can refuse to admit the votes of your Petitioner in like manner. This House cannot permit an advantage to be obtained by the said Duke and Earl, and the candidates favoured by them, derived from their acting against the resolutions of the House then standing in full force, over your Petitioner, who acted in conformity to the resolutions and over the Lords whom he favoured.

Neither can your Petitioner imagine that his case will be said to come within the spirit of the order your Lordships made, that all Peers of Scotland meaning to complain of any thing relative to the late election should present their petitions within a given time now long past; for it was your own resolution, and the respect he entertained for the House, which led him to think that as he had no interest in the election, though a Peer of Scotland; so he could have no right, and that it would have been indecent to petition: he is now taught otherwise, and conceives it to be a duty he owes to himself, and to those Peers who ought to have the benefit of his votes, to make this application.

Your Petitioner therefore prays this most honourable House to take the premises into their consideration, and to admit the votes so meant to have been given by

him, and give such orders on the subject matter of this petition as your Lordships' great wisdom and regard to justice, consistency, and your own dignity, may dictate; and your Petitioner prays that, at any rate, he may be allowed to be heard by his Counsel touching the matters aforesaid. And he shall ever pray, &c.

(Signed)

HAY KINNOULL.

Adjourned.

Tuesday, 26th February.

The Mutiny bill was brought up from the Commons by the Secretary at War, and read a first time.—Adjourned.

Wednesday, 27th February.

The House having met, proceeded to the trial of Mr. Hastings.

After the usual examination of witnesses, Mr. Hastings addressed the Court to the following effect :

My Lords,

I am not prepared in what I have to offer to your Lordships; but from an intimation which I have just received, I cannot refrain from taxing your Lordships' patience for a few short minutes. It has been intimated to me, my Lords, that this is the last time I shall have the honour of standing in this place before your Lordships, before the necessary adjournment while the Judges are on the circuits. My Lords, it is impossible for me to express my feelings upon a supposition of this kind. I was hopeful that your Lordships would, before that necessary and indispensable adjournment, have heard the close of my evidence upon the present charge before this Court. I have now, my Lords, most solemnly to entreat and to conjure you, that you will be pleased to sit from day to day, or at least devote so much of your Lordships' time as will be sufficient to bring the evidence on my defence upon the present charge to a close. My Lords, it is now six years since I have stood accused at the bar of your Lordships: I have a right to call it eight since I have been under prosecution; for I may with justice reckon the two years of inquest by the House of Commons, since their effect was the same to me. I mean nothing disrespectful to your Lordships in any thing I may now say; for I have witnessed with gratitude the attention and perseverance with which your Lordships have discharged your important duty during the whole of this trial. But, my Lords, mine is a case unexampled in the annals of this, or, I believe, any other country. In the year 1790, when the suspension of my trial took place in consequence of the dissolution of Parliament, I thought the case uncommonly hard, for there had been no instance of any trial being extended even to one year; but, my Lords, what must now be my feelings, when I see before me the prospect of being likely to extend even to another year beyond this? That is farther, my Lords, than my life may reach; and I have already been deprived by death, since the commencement of this trial, of many very material witnesses in my favour. It was only yesterday, while

I sat at your Lordships' bar, that I learnt of the death of Mr. John Scott, one of my principal evidences—others, my Lords, have been attending here from day to day, and from year to year, whom, unless speedily examined, I may likewise lose. One of my evidences, Colonel Duff, has come from India to give his testimony in my favour. He must speedily return, and he may go without being examined. I wish for nothing, my Lords, but judgement at this bar; but let it be pronounced while I live to hear it.

I trust your Lordships will not deem it disrespectful if I request you to obtain for me, what your Lordships may not be able to command, and that is, that the present session of Parliament may not be terminated until judgement in this my trial be pronounced.

Mr. Burke began to reply to Mr. Hastings; but Lord Sydney made the motion of adjournment, and the Court instantly broke up.—Adjourned.

Thursday, 28th February.

About half an hour after three o'clock His Majesty appeared on the throne, when the Royal assent was given to the Land and Malt Tax, the Marine Mutiny, and three or four private bills.—Adjourned.

Monday, 4th March.

The House having resolved itself into a Committee of Privileges on the Scotch Peers' Election, resolved, that Lord Caithness had a right to that earldom, with a reserve for future consideration with respect to the validity of his vote at the last election, as it is implicated with the votes of other noble Lords who gave their suffrages on that occasion.—Adjourned.

Tuesday, 5th March.

Lord RAWDON presented a bill for the relief of insolvent debtors, and for amending and regulating the practice with regard to imprisonment for debt.

His Lordship said, that this bill was of great importance to a numerous class of unfortunate persons; that the evils it professed to redress were acknowledged by all, but to apply a proper remedy was a task much above his abilities; but he trusted to their Lordships' indulgence to supply those defects which were so apparent on the present occasion. His Lordship then observed, that towards the close of the last session a report had been made by a Committee of the House of Commons on the subject. This report was the ground-work of the present bill. The House of Commons was in a manner pledged to bring it

forward ; but he had been persuaded to take it up, both because the House of Commons had not had sufficient time to bring forward a bill, and he thought the abilities of some eminent Law Lords in that House could not fail to render a bill perfect, which would otherwise be very defective. His Lordship added, that he had not taken up the subject upon slight grounds, or in a cursory manner ; that it had occupied his attention for several years ; and that he had availed himself of the best information, and of every assistance that it was in his power to obtain. He had wished, and pressed His Majesty's Ministers, to bring forward such a bill, as they would have had the persons the most capable of giving the best directions in framing it ; but as they had not done so, he would crave the aid of their Lordships to supply what was defective, and to render it as perfect and comprehensive as possible. His Lordship was sensible, that what might be regarded as a money bill in any of the clauses which had been introduced, and which belonged exclusively, in that case, to the other House, could not stand properly as part of the bill, but might be omitted without essentially impeding the relief it was meant to give. His Lordship concluded by saying, he submitted the bill to their Lordships to be corrected and amended, but, he trusted, not to be rejected or censured.

The LORD CHANCELLOR rose, and paid some handsome compliments to Lord Rawdon. His Lordship said, that the bill in question could not have come from any person so properly as from the noble Lord who had brought it in, whose humanity and philanthropy were so conspicuous, and who had employed so many years on a subject that did him so much honour. His Majesty's Ministers, his Lordship said, could not have introduced it so advantageously, as many objections would have arisen against their bringing forward the subject. As to the bill itself, the Lord Chancellor said, that many of its clauses had his most hearty approbation. Some of them he considered as liable to some objections. However, their Lordships would take them into their most serious consideration, and supply whatever might appear necessary to render it more complete, and to answer the intention of the noble Lord who had introduced it. The Lord Chancellor said, that, when the bill had been considered, a supplement might be added, to comprise

every possible perfection of which it was susceptible. It was impossible, his Lordship said, to know what passed within a jail. He had bestowed much pains to discover the many abuses that were there practised. It was scandalous that scenes of the greatest excess should prevail, so as to render it impossible for the debtor ever to discharge his just debts, and at the expence of the creditor. Imprisonment ought to be the means of correction, not of corruption ; regulations adopted to thoughtfulness, and a sense of their errors, those that were immured within the walls of a prison. The penal laws might be rendered much more simple and effectual, if due pains were taken to prevent those abuses which now existed. The Lord Chancellor said, he would make no hostile opposition to the bill ; on the contrary, he would give it the most sincere and hearty support ; and this he would do, both from his great respect for the noble Lord whose humanity he so sincerely applauded, as well as on account of the professed object of the bill, which his Lordship was persuaded would be productive of great advantage to the community.

Adjourned.

Wednesday, 6th March.

Lord GRENVILLE brought down a message from the King, stating, that His Majesty having judged it necessary to employ part of his Electoral troops in the defence of his allies the States General of the United Provinces, against the invasion of the French, had thought it proper to communicate to that House the step he had taken, and trusted to their Lordships' approbation of a measure necessary for the protection of His Majesty's allies, and to their support in enabling His Majesty to provide for the maintenance of these troops while employed in such service.

Lord Grenville moved, "That His Majesty's message be taken into consideration to-morrow, and that their Lordships be summoned." Ordered, ——Adjourned.

Thursday, 7th March.

Earl STANHOPE gave notice of a motion relative to canals on Monday next, and also of a motion relative to the inconvenience and injustice arising from the commencement of all acts which contain the words "from and after the passing

of this act," being dated from the first day of the session in which such acts are passed.

The order of the day and His Majesty's message being read, Lord GRENVILLE, without any preface, moved an address of thanks for the communication, &c., in the usual form, which was agreed to.—Adjourned.

Monday, 11th March.

Earl STANHOPE produced several papers, which were laid on the table, as outlines of what he conceived to be absolutely necessary for their Lordships to form into standing orders relative to the Canal bills before the House; which were ordered to be printed, and the House to be summoned for taking the same into consideration on Thursday next.

Thursday, 14th March.

On the order of the day for the production of the patents for the Marquis and Baroness of Bath, the patents being read,

Lord RADNOR shortly disclaimed, in agitating the point which he was going to move, any personal motive against the person who was the immediate subject of his motion; any attack upon the Royal prerogative; any suspicion that the Ministers who advised the conferring on Miss Pulteney the title of Bath, were actuated by those motives which the precedent would authorize future Ministers to indulge. The situation of the parties would effectually obviate such suspicions; but he thought the grant was obtained by strong solicitation of a powerful interest on the part of the grantee, and yielded from inadvertence, and ignorance of the impropriety, on the part of the Minister. This ignorance was only of a science, which it was fashionable to be ignorant of; but while the country was monarchical, there must be nobility, and while there was nobility, there must be some attention to that science. Attempts have been lately made to turn titles and honours into ridicule; but nothing will make them so ridiculous as following such a precedent as this. The constitution, and every part of it, is secure, if we do not betray ourselves. The fact is, that the Crown having granted the title of Bath to a noble family, to be holden with the rank of Marquis, has since been advised to grant the same title of Bath, to be holden with the rank of

Baron. The circumstance is novel—novel (as he believed) in a course of some hundred years, and after the grant of some thousand titles. He ventured to say it was *novel*, from conviction of the principle, and attention to the subject. He thought it *absurd, indecorous, inconvenient, unjust, illegal, and null*. At present, he should only move a Committee to consider, and report, whether “the same specific title can be conferred on any person, during the subsistence of the limitations of a former grant to another person.”

The LORD CHANCELLOR said, he had not had time to investigate the question with that care which a matter that could fairly be stated as a matter of great importance, ought to have received; but that he had, as by accident, lately seen some ancient records belonging to the parish where his house was, by which he knew, that in King Charles the First's time there was a Duchess of Dudley, on whom that title was conferred, the title of Leicester, which was her father's, being given away; that therefore the barony of Dudley being an ancient barony, and still subsisting, there were two Peers who took their titles from the town of Dudley. That besides this, there is actually now a Viscount Dudley, though the said barony still subsisted; that there were three Lords Douglas in this House, and two Lords Ferrers; that there were, in former times, Lords Grey, Lords Percy, Lords Howard, without end. That the noble Lord might be at ease; no confusion arose—no trouble; that the Herald's College was still in safety, and all the learning it afforded might be useful, and advantageous in the matters to which it was properly applied; but that the Crown had not only a clear right to grant this title in the way complained of, but that it had done it in a very common and usual way. However, if the noble Lord was not satisfied, there was one obvious way of allaying his fears upon the subject, which would, he doubted not, be satisfactory to all parties: the heir apparent of the Marquis of Bath was a bachelor; he might marry the lady in question, and then Bath would be merged in Bath.

Lord LEICESTER said, he could set the noble and learned Lord right about the title of Dudley. The lady was not made Duchess of Dudley, but Duchess Dudley, viz. no from the town of Dudley, but from the surname of Dudley.

Lord RADNOR said, that he really did not know whether the noble and learned Lord was attempting to make a joke of the business, knowing he could not answer it gravely, or whether he was completely ignorant of the subject. The noble and learned Lord says there are three Lords Douglas in this House. This he denied. There is a Lord Douglas of Lochlaven, a Lord Douglas of Douglas, and a Lord Douglas of Amesbury ; three titles as distinct as titles can be. As to the title of Viscount Dudley, he denied that there was such a one ; the title is Dudley and Ward ; though improperly assumed, perhaps, yet assumed so, to avoid the very case which the noble and learned Lord states as the fact. But the truth slipped out. The title of Dudley was given to the lady he mentioned, "*because the title of Leicester was given away.*" If this was the case, it is the whole contended for. As to the instance of Ferrers, it was very wrong in Lord Ferrers to take the title of Ferrers as an Earldom ; but still there was no identity of title. The Earl is Earl Ferrers, the Baron is Lord Ferrers of Chartley. But is there no confusion—how are they to be addressed here ? How are they to sign the roll ? In fact, there is an instance of confusion. The Marquis of Buckingham was supporting, to his honour, the measures of loyalty and fidelity which distinguished the winter of 1788-9 in Ireland, and there is a protest against these very measures, signed *Buckingham*, now standing on the journals, which is really the signature of *Lord Buckinghamshire*.

Lord RAWDON thought it very improper to confer titles in this manner ; but he could not vote for the motion, as Miss Pulteney had much better pretensions to the title of Bath than Lord Weymouth had ; and though wrong, the Crown had the power to grant titles in this way.

Lord RADNOR replied, that Lord Rawdon ought, upon his principle, not to object to the inquiry. When the question is proposed of its being void, he should vote against it. As to Miss Pulteney's preferable pretensions to the title, she is niece and heiress to one Lord Bath ; the Marquis is grandson to one, and co-heir to two others.

The House divided ;

Contents, 2 ; Not contents, 21.

Dissentient,

BECAUSE we conceive the real dignity of the Peerage was not less concerned in the adoption of this motion, than the justice due from this House to the individual Member whose title has been disposed of in this unprecedented manner. If it be true, as asserted in the debate, that the practice of duplicating titles is exceedingly usual, such practice could at least have been shewn. The challenge was fairly and roundly given, and instead of being answered, was with round assertions parried. The titles of Douglas, borne by three noble Members of this House, though discriminated as they are in a manner the most proper, most regular, and most distinct, were assimilated to the instance in question. It could hardly be believed, without our assertion, that the House could have been induced to negative the motion, by arguments founded on such real or pretended ignorance.

Because the novelty of such practice appeared to us to be proved, as far as a negative is capable of proof, by the following, among various other, considerations :

1. That though noble families, in the earliest periods of our history, were frequently deprived of the rank of Peerage, by attainders or otherwise, and afterwards restored, not a single instance appears in which titles, conferred on other families in the interval, had been re-granted, or re-claimed; and, on the contrary, several instances were pointed out, in which different titles had been assumed upon such occasions, their ancient titles not being at the time of such restoration vacant.

2. When the Duke of Buccleugh obtained from the Crown in 1743, the honour of its recommendation to be restored to the hereditary seat in this House, forfeited by the attainer of his ancestor the Duke of Monmouth, that favour was confined to such titles as were not vested in other families, and consequently the title of Monmouth was omitted.

3. When Thomas Earl of Arundel and Surrey could not obtain from King Charles the First his consent to a general reversal of his ancestor's attainer, and his own consequent restoration to the Dukedom of Norfolk, he yet secured a possibility of his future restoration, (which afterwards took place) by soliciting, and obtaining, the Earldom of Norfolk, which could hardly, on any other principle, be an object. And,

4. When King Edward the Fourth wanted to give his son the Earldom of Pembroke, he first obtained a resignation of that title from the then Earl.

Because we conceive the practice to be unjust, and the consequences of it inconvenient, farcical, and ridiculous; and think it necessary to be resisted in the first instance. And,

Because, upon the doctrine of the hour, (for of the hour only we trust it is) the Minister stands complimented by the House with a more powerful instrument of mortifying individuals, than any known prerogative of the Crown, or even, in our opinion, the Court of Wards and Liveries itself ever furnished. The grievances of the latter were heavy, but temporary; the injury occasioned by this mo-

dern invention is perpetual, and claimed by its patrons as irremediable.

RADNOR.
LEICESTER.

Lord RADNOR immediately said, that as the House had thought fit not to deliberate upon his motion, he was ready to state his own opinion decidedly on the subject, and would do it by a motion, which he must be some little time in arguing.—He stated the point as *absurd*; for the Crown had given this title away, and it had not reverted, & *nemo dat, quod non habet*. He said it was *inconvenient*. The appellation in the House, the address of letters, must make this practice evidently so; but on the signature of the roll, it is obviously beyond contradiction.

It was also *indecorous*. In 1690, there was an Earl of Oxford, the twentieth of his family, in possession during 600 years. Would the House have borne another Lord Oxford to come, and usurp his title? Yet Lord Bath has as much the right in himself as Lord Oxford ever had. But the title may become desirable, because it has been borne by others. Would the House suffer another Lord Marlborough?—Lord Chatham?—Lord Hardwicke? The claim on the score of relationship has been already stated; but if it weighs at all, it must be before the grant. It might have been a reason against granting the title to Lord Weymouth; it could not be an honest reason for re-granting it to Miss Pulteney.

It is also *unjust*. Seisin by one party, is to the very idea exclusion of the other party. Exclusion of others is an essential quality of possession—the most gratifying ingredient of possession. Henry the Eighth consented to the act for settling the rank of Peers; but the loss of priority of rank could be nothing to this, though it had been perpetual.

It is also *illegal*. Ancient grants of titles were attended with grants of revenue from the same places from which the title was assumed. Though this grant is not, in fact, now made, yet, upon feudal principles, the consequences must be the same.

But chiefly, he asserted it to be *novel*. It is the constant observation on any grant, that such a family, or such a person, (having some distant pretensions) will be disappointed. Peers

have found frequently difficulties in avoiding such pretensions. Malevolence against the present Minister said, when Lord Leicester took that title, it was to deprive of it a particular gentleman. It was an absolute falsehood ; but the very assertion shewed the general opinion. Till now, not only the principal titles, but the subordinate ones, have been protected.—Lord Radnor then shewed a list of titles, being third or fourth titles, all of which were untouched, and yet several of them evidently desirable to some Peers, within a very few years.—Was *Wiltshire* no object to the Wiltshire gentlemen who have been raised to, or promoted in, the Peerage ? Lord Spencer wished to have, but could not have, because another had, the title of Sunderland. Was Warwick no object to Lord Brooke ? The late Duke of Newcastle wished to secure to his nephew the title of Newcastle ; he took notoriously a different Newcastle, because he could not take the same over again in the same rank. The good luck of the Seymour family is mentioned by writers, in having the title of Somerset vacant when they had interest enough to be restored. The same observation is made of the Percys, that the title was become vacant by the extinction of the Fitzroys. King William forced upon Lord Mordaunt the title of Monmouth, to prevent solicitation for the reversal of the Duke of Monmouth's attainder ; but an act of Parliament in this case confirms the observation ; for the restoration of the Duke of Buccleugh was only to titles unoccupied. When families have been raised to titles, about the existence of which there was some doubt, under former grants, they have taken some other title with them, or taken them with some difference. Harley was made Earl of *Oxford*, and *Earl Mortimer*. Sheffield was made Duke of *Buckinghamshire*. When families restored to the Peerage have found their ancient titles occupied, they have taken others. Lord Worcester took Beaufort, Somerset being in other hands. Lord Grey of Groby took Stamford, as Suffolk, Dorset, and Huntingdon were engaged. The Earl of Arundel, when he could not get the attainder of his ancestor the Duke of Norfolk, reversed, got himself created Earl of Norfolk to secure that title ; and when Edward the Fourth wanted to dispose of the Earldom of Pembroke, he first got a resignation of it from the then Earl. If it were contended, that this could always have been done,

but never has, in what light will the present instance stand, in point of delicacy, towards the former grantee, whose rights ought to have been protected, by motives of forbearance, as much as any grantee of former times?

Upon these grounds, his Lordship insisted that the grant was null; and to shew that the King could revoke it, read from the journals of the House of Commons, 23d Jan. 1695, an instance of revocation of a grant, under the great seal, by King William.

He therefore moved, "That an humble address be presented to His Majesty, humbly to represent to His Majesty, that his Royal letters patent, by which His Majesty was graciously pleased to create Thomas Viscount Weymouth, Marquis of Bath, and his heirs male Marquises of Bath, were, on the 21st day of January, in the 30th year of His Majesty's reign, produced in this House, and the said Marquis was then and there received accordingly, and is now a Member of this House; that letters patent, whereby Henrietta Laura Pulteney is created Baroness of Bath, and her heirs male Barons of Bath, being lately inspected by this House, this House feels it incumbent on itself, in respect as well of the several individuals Members thereof, as particularly of the said Marquis of Bath, humbly to represent to His Majesty that the title of Bath being so vested in the said Marquis, the said late grant is, and can be, of no effect; that the grant to a second grantee of the same title, exclusive of the obvious inconveniences attending it, is an actual disinherison of the first grantee, tending to produce private animosities, liable to produce public resentments, and the example capable of being used as an exasperating and mortifying instrument of personal pique. And that, for these reasons, it be humbly requested of His Majesty to recall and annul the said letters patent to Henrietta Laura Pulteney as aforesaid, and to compensate, in such manner as to his Royal wisdom shall seem meet, the grant, which this House humbly conceives His Majesty has been advised to make, without sufficient attention to the rights previously vested in the said Marquis of Bath."

The LORD CHANCELLOR said, he could not help earnestly requesting of the noble Lord not to press this question. It was impossible for the House to adopt it. That the title was vested, or it was not; that its validity could be legally decided

elsewhere, which validity could not be affected by this resolution, if it were adopted. That it would be perfectly unconstitutional, as well as dangerous, for the King to attempt to resume a grant once made.

The question was called for ; and it passed in the negative.

Dissentient, LEICESTER, RADNOR.

Lord RADNOR then immediately moved an address similar to the last, substituting for the last paragraph the following : “ That, under these circumstances, the House, forbearing to question the validity of the grant made to the said Henrietta Laura Pulteney, but greatly concerned that His Majesty has been advised to make the same, does humbly and earnestly request of His Majesty, that the same may not be drawn into example ; but that the Members of this House, honoured by the favour of the Crown, may severally, for the future, enjoy unmolested and exclusively their several and respective honours.”

It passed in the negative.

Dissentient,

BECAUSE though we adhere to the motion last negatived, and trust that our opinion will prevail, in case a seat in this House shall be ever claimed by virtue of this patent, believing the grant to be unauthorized by custom and precedent, and void in law, as it is upon every principle of justice and decorum, yet as the House had refused to question the power of the Crown to confer the title, we waved our own opinion so far, as to endeavour to induce the House to mediate with the Crown graciously to remit the exercise of such power, being (as we conceive) incompatible with the honour of the House, and the vested right of the individual Members, and we lament extremely our ill success. The act for regulating the precedence of the Peers, obviated those grievances which partial or temporary favour might occasion ; but the grievance arising from precedence given arbitrarily, though it had also been given in perpetuity, could not in any degree be compared to this. An instance, infinitely short of this, in our opinion, is pronounced by the Lord Chancellor Clarendon, in his history, *to be the most unnecessary provocation he had known*, and, in his belief, the chief cause of Lord Strafford’s execution.

And lastly, we consider this representation to the Crown to be peculiarly proper at a time, when theoretical speculations, and attempts at ridiculing all established forms and privileges, are unfortunately so prevalent,

RADNOR.

LEICESTER.

The House adjourned.

Wednesday, 20th March.

The Duke of CLARENCE presented a petition from the West-India planters, praying that the House would not proceed farther in the consideration of the slave trade till after the recess. His Royal Highness presented another to the same effect from the ship owners at Liverpool. His Royal Highness after the petitions were read and ordered to lie on the table, moved that the order for proceeding farther in the slave trade, which stood for to-morrow, be enlarged to Thursday, the 11th of April next. Ordered.—Adjourned.

Friday, 22d March.

The Duke of NORFOLK moved to dispense with the standing orders agreed to some time ago, on the motion of Earl Stanhope, for the present session. The noble Duke stated, as his reason for this, that the country had not been sufficiently apprized of these orders to enable them to regulate their applications thereby for this year.

Earl STANHOPE agreed to the motion, and said, that he should take some occasion to move as a standing order, that where canals affected the course of waters and streams, the projectors should be bound to give the same notice to all the persons interested in that way, as well as the land owners in the line of such canal.

The motion passed.

The order of the day for the second reading of a bill for incorporating certain dredgers and fishermen in the county of Kent, having been read,

The LORD CHANCELLOR, quitting the Woolsack, informed their Lordships that though the bill in question was in every respect a private bill, yet it contained provisions which, as they were in their nature new, ought not to be passed by without consideration; and he thought it his duty to point them out, because their Lordships not expecting to find any thing of the kind in a private bill, might easily overlook them. It seemed that the place where these fishermen landed their fish was dependent upon a manor, and their trade was regulated by a manorial jury. Now one of the provisions of the bill was, that they should be empowered, notwithstanding the Statute of

Mortmain, to purchase this manor: so that after the purchase, the Manorial Jury, which was to regulate their trade, would be under their control and influence. How far it would be proper to allow those men when incorporated the faculty of acquiring manorial rights, but particularly such as might influence the decisions of Juries upon their own trade, it would be for their Lordships to decide. The bill was read a second time, and an order was made for sending it to a Committee.

Two petitions from corporate bodies in the city of Worcester, respecting the proposed canal from Bristol to Bath, were presented and read.

The Duke of NORFOLK observed, that these petitions struck him, as unprecedented in the History of Parliamentary proceedings, for they did not pray that a bill might or might not pass, they did not complain of any injury, or hardships, or petition for any relief; what they asked was, that should they or any other persons be hereafter disposed to make a canal for opening a communication with the Severn above Bristol, and carrying it on to Worcester, the proprietors of the canal from Bristol to Bath should be bound to consent to the measure, and admit such new adventurers to join the said canal, and that a clause for that purpose should be inserted in the bill actually pending in their Lordships' house for cutting the same. His Grace said, he was sure that petitions of this nature, respecting cuts which could scarcely be said to be so much as in contemplation, could not find much favour in the eyes of their Lordships, who he believed were restrained by their standing orders from entertaining them: for it was ordered that no persons should be admitted to present petitions respecting any measure, in which they were not personally interested.

The LORD CHANCELLOR admitted, that the petitions were of rather an extraordinary nature, inasmuch as they went to restrain the Legislature, and point out what should be its conduct in passing future acts of Parliament respecting canals; but still as the petitioners wished to be heard on the subject-matter of their petitions, he presumed the noble Duke would suffer them without farther opposition, to be sent to a Committee.

Earl STANHOPE, just as the Lord Chancellor was going to put the question, stood up and read the prayer of these peti-

tions, which was that the petitioners might be heard by their counsel on the subject-matter of the bill in question. To such a prayer, he said, their Lordships could not shut their ears; to reject such petitions would be an outrage upon justice and decency; and should an attempt be made to reject them, he would take care to attend in his place for the express purpose of resisting it.

The Duke of NORFOLK remarked, that it did not follow, that because the prayer of a petition was proper, the substance and subject-matter of the petition itself must therefore be proper; the prayer might be extremely correct, but the rest might be a libel upon the House, and to reject such a petition he believed, would not be considered by the House, or by the noble Earl himself, as an outrage upon justice and decency. The petitions were, without farther coversation, referred to a Committee.—Adjourned.

Tuesday, 26th March.

Heard the Attorney General in reply, on behalf of the appellant, in the appeal from the Court of Session in Scotland, *Lord Daer v. Johnstone, and other freeholders of the Stewartry of Kirkcudbright*. By the judgement appealed from, the Court of Session had determined, that the appellant, "being the eldest son of a Peer of Scotland," was not entitled to be inrolled, or to vote as a freeholder of the said Stewartry; although holding and seized of lands within the Stewartry, as tenant *in capite* of the Crown, to the extent required by the law of Scotland, to afford a freehold qualification. After Counsel had been ordered to withdraw,

Earl STANHOPE rose, and in a speech of considerable length, entered much at large into the subject. He adverted to the proceedings in the Parliament of Scotland, which had been much rested upon by the respondents, in the case of the master of Talbot in 1685, and in that of Lord Levingstone in 1689, as well as to the decision of the House of Commons of Great Britain in 1708; the two first of which cases, he contended, did not apply to the precise case in question; and at all events, as none of them had been sanctioned by any enactment of the Legislature, they could not be considered to constitute law, so as to bind either the Court of Session, or their

Lordships as a Court of Appeal. He had heard it laid down, upon the decision of an appeal from Scotland respecting nominal and fictitious votes, by a noble and learned Lord (Thurlow,) to whose judgement and abilities the greatest deference was due, that a train of decisions, even in a Court of last Appeal, were not binding, as precedents, if such decisions appeared palpably erroneous ; and in that sentiment, expressed in so guarded a manner, he perfectly acquiesced. In the present instance, the judgement of the Court of Session did not appear to him to be founded on any principle of sound reason ; and, unacquainted as he was with legal knowledge, he would not have presumed to deliver his sentiments in the House, on a subject of this kind, if the acts of Parliament on the subject had not appeared to him so clear as to be obvious to every person. His Lordship then entered into a detail of acts of Parliament from 1727 downwards, and concluded with saying, that, in his opinion, the freeholders had done right in ordering Lord Daer to be enrolled, and that the Court of Session had done wrong in altering their judgement ; and that he would therefore move their Lordships to reverse the decree.

Lord THURLOW said, that, were he now considering this question as a Legislator, he would most probably agree entirely with the noble Earl who had just sat down, that there is no good reason why the eldest sons of Scotch Peers should not be eligible as representatives in the Commons House of Parliament, of Great Britain; for counties and boroughs in Scotland, in the same way that the eldest sons of Peers of England are, for English counties and boroughs ; but nothing could be more dangerous, than that their Lordships should allow themselves to act upon any idea of legislation, when sitting as Judges in a Court of Appeal ; in which case it was their duty to place themselves exactly in the situation of the Court from whence the appeal comes, and they should not consider what the law ought to be, but what it really is. When this case came before the Court of Session, they found an uniform practice of more than 200 years taking its rise in the act of Parliament 1587, which established in fact a new Constitution in Scotland : by that act, the Parliament was made to consist of four distinct branches, viz. The Prelates, the Greater Barons or Lords of Parliament, the Commissioners from the lesser

Barons, and the Burghesses; and it seemed to him clear, that the eldest sons of Peers were exempted from being sent as Commissioners to Parliament, which was then considered as a burden. In this the matter originated, and when the being chosen as a Commissioner to Parliament, was considered as a privilege instead of being a burden, what was formerly an exemption, operated then as a disability.—His Lordship supported this argument by a very learned and accurate explanation of the ancient acts of Parliament and Constitutional History of Scotland; and said, that, although such would have been his opinion, as a historian or antiquarian, upon the meaning of the act of Parliament 1587, and on the law as it stood, at that time; yet, had the subsequent practice been different, he would have yielded that opinion; but when, on the contrary, he found supported by the uniform and invariable practice of 200 years, and by the opinion of every writer on the law of Scotland, when he saw the proceedings of the Parliament of Scotland in 1685 and 1689, and saw also the decision of the House of Commons in 1708, proceeding upon a full hearing, and mature consideration, so recently subsequent to the act of 1707, it appeared to him that the consequence would be dreadful indeed to all the rest of the law of Scotland, if their Lordships should allow themselves, upon any fine-spun reasoning, to alter such established law. His Lordship made many other observations, and concluded with saying, that, on the motion which had been made by the noble Earl for reversing this judgement, he should vote *not content*.

The question being put on Earl Stanhope's motion, it was negatived without a division, and the decree affirmed.

The House adjourned.

Wednesday, 27th March.

On the order of the day for the second reading of the bill for amending the law of Mesne Process, for relieving the insolvent and unfortunate, and for punishing the fraudulent debtor,

Lord RAWDON rose, and requested the attention of their Lordships to the principles and object of the measure now before them, and the exposition of those motives which had actuated his conduct. The bill was grounded on the great prin-

plies of justice and humanity, and was equally calculated for the furtherance of both. This simple description of it, he made no doubt, would attract and ensure the attention of their Lordships, who, contrasting their elevated and opulent situation with that of the inferior classes of mankind, would consider the security of the poor as connected with their own, and would exert the power entrusted to them by Providence, to mitigate those sorrows which they could not totally remove. The measure now before their Lordships he was afraid had been much misunderstood, as, when it was understood, it was deserving of their approbation. It made no outrageous innovation on the established laws of the land. It respected established customs, and never infringed them, except for the attaining the great purposes of the Social Institution, which were paramount to all other, the sacred ends of justice. On this solid foundation he now stood, and could with firmness assert, that while the bill, by its operation, relieved the indigent and unfortunate, it guarded, with vigilant anxiety, the rights of the creditor, and was intent upon rendering justice to those to whom justice was due. It was a shield of protection to the wretched, and a rod of chastisement to the fraudulent. The subject, he hoped their Lordships would do him the justice to believe, had arrested his attention, not from loose and temporary partialities, but from firm conviction, the result of sober thought and unbroken meditation. To come then to the object of the bill:—To the accomplishment of that he had certainly sacrificed his own private opinions, which were more extensive than suited the prevailing opinions of the times.—The very principle of the law of imprisonment he deemed a principle of rigour and absurdity. Rigorous, because it exacted from the dungeons of distress, and the cells of inactivity, to which it doomed the victims of its operation, a something from those very persons, which, when free and undisturbed, and in the exercise of all faculties, they could not perform, and who were rendered incapable of performing it from the very obstacles thrown in their way by those who exacted that performance. It was absurd, because it was ineffectual to its avowed purpose; for it was calculated to defeat, not to attain, its object. If the creditor is guilty of a fraud, punish him as a fraudulent agent; if not guilty of a fraud, do not punish in-

solvency as a crime, which should rather be commiserated as a misfortune. To punish insolvency as criminal, and to doom fraud to the same punishment as mere insolvency, is to confound all moral distinctions, it is to bring them to the same end in the opinions of mankind, it is to poison the sources of human action, and to transfer from the action of a criminal that portion of indignation which ought to await it, in order to affix it to the unfortunate, whose situation should rather be softened by the humane interference of the laws, than aggravated by their rigorous enforcement. From the present system also, the creditor was frequently induced to pursue a plan of rigour in order to procure, from the feelings of humanity and the effusions of friendship, what he could neither obtain from the stern dictates of justice, nor the peremptory mandates of law. If the insolvency, and even the honesty of the debtor were acknowledged, yet his friends were looked to as a source of payment ; and, to quote the words of a late respectable Judge (Earl Mansfield,) " The feelings of the friend were often tortured to administer to the resentment or interest of the creditor." His Lordship then went into an examination of the law as it now exists between debtor and creditor. In the first stage of the business, the fundamental principle of justice was violated ; and the very means which the Social Institution had adopted to carry that principle into effect were abandoned. What was the great object of the institution of Government, but to prevent individuals from being even the judges, far more the avengers of their own wrongs ? Yet, by the existing laws of the land, the creditor was enabled to deprive the debtor of his liberty, upon a simple swearing to the debt. He well knew, that in some cases this *ex parte* evidence was not a sufficient ground of imprisonment ; for, by the practice of the Court of Common Pleas, the counter affidavit of the debtor was sufficient to enlarge him without bail. It was not so, however, in the Court of King's Bench. Whence this difference in the practice of the two Courts ? As the objects of justice were uniform, why not adopt the same means for its attainment, when to vary the means, would, in fact, frustrate the end ? The measures of justice should, like justice itself, be unvarying and immutable ; nor could he see any reason why a prisoner, by a process from the one Court, should be

compelled to give bail, while, when arrested by a process from another, he should be enlarged without giving it. The process, either in one case or the other, did an act of injustice either to the debtor or to the creditor. By the law, as it now stood, a debtor, when arrested, was frequently dragged to gaol for want of sufficient bail, because the bail exacted was always double the debt sworn to. Here was a farther impediment to a debtor's procuring bail. He had then no option but to expose himself to the mortification of a refusal, or to lie in gaol, or to pay the debt, which he felt to be unjust. The latter measure, however hard, the debtor frequently adopted, rather than expose his feelings to mortification, or his person to imprisonment. The Society of the Thatched House Tavern, for the relief of insolvent debtors, his Lordship considered as an institution which did honour both to the age, and to the Members who composed it. Their reports were founded on strict inquiries, and on the most authentic documents.—They had acted upon the grand combined principles of justice and benevolence ; and what was the result of their inquiries?—Why, that the far greater part of persons arrested in this country during the course of the year, were arrested for debts under twenty pounds ; and that of two thousand now languishing in prison, in the different gaols of the country, thirteen hundred had wives, and four thousand children ; beings helpless and unprotected ; exposed to calamity, which neither their guilt had incurred, nor could their feebleness avert. One hundred and fifty of them, upon an average, were every year doomed to linger in the dungeons of confinement, not because they had not paid their creditors the debts which were due to them, and for which they had been originally arrested, but because they had not money sufficient to pay the fees of office, which were necessary for their enlargement. These men were, for the most part, either tradesmen, artificers, or seamen ; men engaged in the humble and laborious, but honest and useful callings of life ; who fought the battles of their country in time of war, and who administered to its comforts in peace. The persons confined, of this description, had only, it is true, between two and three pounds to pay ; but that sum, though inconsiderable in their Lordships' opinion, was still great to those, who neither had the sum itself, nor the means

of obtaining it. Why they had not the means of obtaining it, it well became their Lordships to inquire. He did mean to insinuate, that the keepers of the prisons were men of harsh and selfish dispositions; or, to use the language of the Poet, that

“ Seldom the steely Gaoler is the Friend of Man.”

Instances had indeed been given where gaolers had relinquished their fees, and contributed to the enlargement of the prisoners. But though these examples had been produced, what did they prove? That the liberty of our fellow subjects rested, not on the known and certain principles of law, but on the spontaneous benevolence of Englishmen. Nay, that those whose habits of life were calculated to steel them against every sentiment of compassion, were not proof against the mass of human calamity, which was continually present to their eye; and that in the mansions of sorrow and of indigence, the hand of liberality was stretched out by those in whom, according to vulgar opinion, every nerve of humanity was supposed to be withered; and the tear of compassion started at the wailings of hunger, and the cries of distress. His Lordship then proceeded to explain the different clauses of the bill. They were to prevent all arrests for less than twenty pounds, which was merely a clause of the old law, as it subsisted before the reign of George the First; to remedy abuses to which lock-up houses were subject; to prevent excessive bail from being required; and to enact that the prisoner should not be hurried to jail, (as he now may be) when in a state of sickness and insanity; and to publish in the Gazette, every month, the names of persons convicted of fraudulent transactions. His Lordship having concluded his exposition of the principles contained in each clause of the bill, begged the House to recollect that he had not attempted to influence their passions, but to convince their reason. He had not produced to their view any of those pathetic instances of distress that were to be found in the report of the Committee of the House of Commons of last year. He had discussed the subject calmly and temperately, convinced that calm and temperate inquiry were alone necessary to produce in the minds of every one of their Lordships, a full conviction of the propriety of adopting the measure he had the honour of proposing. With respect to the share he had taken,

he assured the House that he could claim but a very moderate portion of merit. His arguments had been principally adduced from the very able and accurate investigation of those gentlemen, who had been appointed by the House of Commons last year, to inquire into the operation of the laws in imprisonment for debt. And he could have wished that the Member with whom that inquiry originated, (Mr. Grey,) would have taken the discussion to himself. In a conversation, however, with him, the honourable gentleman deemed it more prudent that the discussion should commence in the House of Lords, in order that the opinions of noblemen, most eminent in the law, both from their situation and abilities, might be known as soon as possible. Such were the motives that had actuated him. Their Lordships, he trusted, would see that the bill tended to prevent that shameful practice of dragging to a prison, persons contending perhaps with severe indisposition, from their home and their families. They would observe, that it was calculated, not only to alleviate the miseries of the debtor, but that it conduced to the security of the creditor. Convinced of this, he trusted that, as the propriety of the object had been generally acknowledged, their Lordships would not feel an inclination to reject the bill, *in toto*, merely because some of the provisions might appear to them to be objectionable. He recalled to the recollection of their Lordships, the position of Lord Bacon, viz. That the end of all laws, was to produce happiness and security to the people; and in conclusion, he submitted the bill to their Lordships, with a full conviction that their decision would be the decision of humanity and of justice.

The bill was then read a second time.

The LORD CHANCELLOR wished to know when it was meant that the bill should be committed.

Lord RAWDON replied that as it was his intention to avail himself of the opinion of the Judges, he did not mean to have it committed till the 16th of April, when the Judges would be returned from the circuit.—Adjourned.

Wednesday, 10th April.

Earl of Mansfield was introduced, with the usual formalities, betwixt Earls Fitzwilliam and Carlisle; and the patent of the

Earldom of Mansfield in favour of the late William Earl of Mansfield, and in default of heirs male of his body, to David Viscount Stormont (now Earl of Mansfield) having being read by the clerk, together with his writ of summons to Parliament, his Lordship took the oaths and the seat.

Lord Grenville brought down a message from His Majesty, similar to the message presented to the House of Commons, (for which see their Proceedings) stating, that His Majesty relied on the support of their Lordships towards the vigorous prosecution of the war, and in enabling His Majesty to provide for the extraordinary expences of the present year.

The message being read,

Lord GRENVILLE said, that, under the present circumstances, he conceived there could be but one opinion in that House, in Parliament, and in the country, with regard to the vigorous prosecution of war; and he would therefore, without saying more, conclude with moving an address to His Majesty, which he read, and which was, as usual, an echo of the message.

Earl STANHOPE said; that he had been one of those very few, who had uniformly disapproved of the present war. He had done so, because he conceived it to have been unnecessary, and that, by temper and prudent management, it might have been avoided; he could not, therefore, give his assent to the proposed address. His Lordship said, he could not tell whether there was any truth in the report which had been lately in circulation, that Dumourier had been forced to make his escape, finding that he was not supported by his army in the plans which he had formed; nor did he rest any thing on this, whether true or false; but he begged leave to remind their Lordships, that that same Dumourier, in the month of December last, had proposed the invasion of Holland, and that the Executive Council of France, at that time, rejected his proposal, from a wish to preserve peace and a good understanding with this country, about which they had shewn the most anxious solicitude.

The Earl of LAUDERDALE said, that, although he did not mean to oppose the motion, because now that this country is actually involved in war, he agreed that it ought to be prosecuted with vigour; yet he thought it necessary to explain the

grounds upon which alone he could give his concurrence in voting for the address. He hoped and trusted, that His Majesty's Ministers would not be so flattered by any momentary success, as to advise His Majesty to enter into the views of the Austrians and Prussians, or to accede to any combination, for the purpose of interfering in the internal polity of France ;— for, if so, he would be almost led to lament the present success of his native country, from an apprehension of the mischiefs to which it would lead ;— did he suppose that any such views were entertained, he could by no means concur in the address, but he was induced to give it his support, trusting that His Majesty's Ministers, and the noble Lord for one, would continue to act upon the principles upon which they had all along professed to act, and that they did not mean to pursue any other object in the present war than that of checking the increasing power and aggrandizement of France.

Lord GRENVILLE could not conceive it to be in any shape necessary for him to recapitulate to their Lordships those circumstances of perfidy, ambition, and injustice on the part of France, which had forced this country into the present war ; and it was surely neither necessary nor proper for him to say any thing as to what may be the intentions of His Majesty's Ministers as to the future conduct of the war. So long, indeed, as France had confined herself within her own territories, and had behaved with respect towards this country, he had always thought that it was proper for us to preserve a strict neutrality, and to avoid any interference with her internal government ; how far the case might be now changed was a subject which he would not enter upon. The noble Earl (Lauderdale) has thought proper to annex a condition to his giving his assent to the address, as to which he would certainly say nothing : that noble Earl had formerly withheld his concurrence to the measures adopted by the House as to the present war ; whether or not he would now give his concurrence, he could not tell ;— but he would content himself with saying what he thought perfectly sufficient, upon the present occasion, and with which he trusted their Lordships would be satisfied, viz. That we have been forced into a war with France, from her unjust and perfidious conduct towards this country ; and that being actually engaged in such a war, it is impossible to doubt the

propriety and necessity of carrying it on with vigour and effect.

The address was then agreed to without a division, and ordered to be presented to His Majesty by the Lords in white staves. Adjourned to

Thursday, 11th April.

Agreeably to the notice given by the Earl of ABINGDON of his intention to bring forward a motion on the Slave Trade, his Lordship rose and said,

Your Lordships will not suppose that I am about to enter into the wide and extensive field of argument which the question for the abolition of the Slave Trade has, as a subject of discussion, opened to the view, and brought under the notice and consideration of this House ; a field too large for me to range in, too comprehensive for the extent of individual ability, more than enough to occupy the exertions of every head, and to rouse the energies of every heart among us. To occupy the exertions of every head in appeal to wisdom, and to rouse the energies of every heart, as a call upon the characteristic justice of this House.

It is not then, said his Lordship, in this field that I am now about to enter ; neither is it to those tribunals of your Lordships' wisdom and justice that I am in the act of addressing myself. The stage in which this business is, is ripe for neither ; and God forbid it should ever be so ; but there is a third tribunal to which, forming the ground of the motion that I shall have the honour to submit to your Lordships, I am now to address myself, and that is, in solemn appeal, at this most momentous crisis of public affairs, to the political discretion of this House : nor even here either shall I have occasion, said his Lordship, to trespass long on the time and patience of the House : for what this momentous crisis of public affairs is, will need no representation from me to bring to your Lordships' minds ; the facts, in events too terrible even for the admission of thought, being already before our eyes ; and the effects springing from the causes that have produced them, but too plainly speaking for themselves.

It is, therefore, said his Lordship, enough for me to presume, that your Lordships are sufficiently aware of that new

philosophy, as it is called, which is gone abroad; containing, like Pandora's box of old, all the evils and vices that human nature or the world can be inflicted with. Of that philosophy, on the principles of which those monsters in human shape, I mean the people of France; and when I say monsters in human shape, let not the charge of 'a national reflection (speaking as I do, not from my own, but from much better authority than my own) be imputed to me; namely, that of one of their own countrymen, Voltaire, who knew them well, and who says, in describing the nation, that "They are a race of people descended from monkies and from wolves; for when," says he, "they are not skipping and dancing like monkies, they are ravenotts and ferocious as wolves." I say then, your Lordships are aware of that new philosophy on the principles of which these monsters in human shape, this savage nation, have declared war, not only against man, but againk God himself. Principles by which all Europe is already convulsed, and with the direful influence of which, the peace, the order, the subordination, the happiness, of the whole habitable globe is threatened. And yet such is the philosophy, such are the principles, and such the people, that, in this age of novelty and innovation, we are called upon by some to adopt, to fraternize, and to affiliate with.

And now, said his Lordship, having said this, if it were to appear to your Lordships, that this very proposition for the abolition of the Slave Trade, not only makes a part in speculation of this new philosophy, but is actually founded on those very principles in practice which I have just mentioned, can it be supposed that your Lordships would wish, at least in the present moment, to entertain such a proposition; or would it be too much to look for your Lordships' agreement with me in a motion for postponing the farther consideration of this business to a period, when intermediately mankind may be restored to their sences, and this enthusiastic madness no longer shall remain?

We are, said his Lordship, at war with France, either for the extinction of these principles, or, with a view to self-preservation, which is the first law of nature, social as well as individual, for the extirpation of the people themselves: for otherwise, what is the result?—The result is, that we shall,

as of unavoidable necessity, sink into the same abyss of misery with them ; and be what they are : for is not their philosophy founded on this ? do not their principles lead to this ? are not their decrees declaratory to this ? Is not their object expressly this ? and, if success should attend their measures, will not their end be this ? And if so, in my contemplation, better were it for us, that " we were created toads, to live on the fumes of a dunghill," rather than possessing the feelings and the faculties of men, and of Englishmen too, born to the blessings of a constitution founded on liberty, be made to endure a life that shall pass away with the mortifying suppression of the former, and in the cruel deprivation of the latter.

But I have said, continued his Lordship, that this proposition for the abolition of the Slave Trade, is in speculation a part of this new philosophy ; and who shall controvert the position ? For in the very definition of the terms themselves, as descriptive of the thing, what does the abolition of the Slave Trade mean more or less in effect, than liberty and equality ? what more or less than the rights of man ? and what is liberty and equality—and what the rights of man—but the foolish fundamental principles of this new philosophy ? But this is not all. It is a proposition that has been adopted, of which the proofs of correspondence are not wanting, in concert, or rather let me say, more *ad rem* in fraternity with, some of those profigate and abandoned conspirators, the National Convention of France ; and is, or has been, carried on through the medium and by the means of submitting clubs in both countries ; which shews not only that the proposition is in itself founded on French principles, that is, on French philosophy ; but proves that we too have in this country our Condorcets, our Brissots, our Abbé Gregoires, and our Robespierres. And if this be so, is not this ground enough for your Lordships, at least for the present, to rest on your arms ?

But I have said not only that this proposition is founded on this new philosophy in speculation, but that it has, on its very principles, been reduced to practice ; and of this neither are the damning proofs deficient : for, look at the state of the colony of St. Domingo, and see what liberty and equality, see what the rights of man, have done there. Look at the 10th of August, and the 2d and 3d of September at Paris, and in

comparison with the foul calendar of murders committed at St. Domingo, you will find these days of humanity and compassion. There indeed (at Paris) you will have brought to your view murderers and cannibals now, it is true; but here (at St. Domingo) you will see rivers of commerce dried up, whilst fountains of human blood are made to issue in their stead; and (as if in the pride of exultation for this philosophic event) hear too, in the milk of his humanity, what one of these murderous philosophers (Citizen Robespierre) says upon this very occasion: "Perish," says he, "the colonies, rather than that we should lose one of our principles!"

But let us remember, my Lords, said his Lordship, that we have colonies of our own; and would your Lordships be willing, by making the same experiment, to produce the same consequences? And if not, let us have some regard for our consistency. Let us not spill the blood, and waste the treasure of this country, in a war with France, to combat principles that we ourselves are giving law to. Half measures may be courting the popularity of some, but it is to whole measures on which our safety must ultimately depend. Let us be firm and manly in the right, and we have nothing to fear from that which is wrong.

Thus much, then, said his Lordship, have I thought it necessary to say in address to the political discretion of your Lordships; and now I will add a word or two *in argumentum ad suspicionem*, in address to the jealousy of this House. And, in so doing, let us see who are the abettors of this proposition for the abolition of the Slave Trade, and from whence it comes, as a matter of reflection only, and to pause upon. I do not know whether your Lordships have read, but I have, a sermon of Doctor Priestly's upon this very subject, preached to a society of dissenters, and published at their request. What this sermon is, your Lordships may suppose. It is, of course, to inculcate these doctrines with all the ability that belongs to that well-known philosopher. But it is to do more; it is to state facts, that, coming from his superintending knowledge and authority, are not to be disregarded. He tells us to whom we are indebted for the agitation and adoption of this question—"To the Quakers," says he, "who were the first to shew themselves friends to the rights of humanity, and to dissenters

of all denominations ;" adding, in the true spirit of levelling, to his levelling flock, this prophetic exhortation to perseverance in the good cause ; namely, (and what can be more levelling ?) " that the time is arriving, when the wolf shall lie down with the lamb, as the present state of things," says he, " makes highly probable ;"—that is to say in the true philosophic phrase, that all being equal, all, under the same happy system of fraternization, shall be equally and duly organized : or, in more intelligible language, blacks and whites, French and English, wolves and lambs, shall all, " merry companions every one," promiscuously pig together ; engendering a race of people not descended, as Voltaire says, from monkies and wolves, but a new species of man as the product of this new philosophy, a *non descript* in the order of human beings, and hitherto unknown to the naturalist.

But, said his Lordship, as that present state of things, to which the sermon alludes, is, I trust, in comparison, widely different from the present state of things that now is, the only remark I shall make upon what I have stated, leaving the rest to your Lordships' own observations, is this, in the shape of a question—Is there, or can there be, any just, wise, or natural (I will not say political) reason why the Quakers, or any other of the sects of dissenters, should be more forward in shewing themselves friends to the rights of humanity, than the members of the established church are ? And to this I shall wait for an answer in argument : but, in the mean time, having heard the assertion that they are so, and understanding that all the petitions, or at least the most part of them, that have been procured and presented to the other House of Parliament for the abolition of this trade have been either from, or through the influence of, this body of men ; and apprehending that the same proceeding may be adopted in this House, I shall beg leave to trouble your Lordships with a few reflections on this subject.

I say then, as a general proposition, that the right of petitioning the King, or either House of Parliament, is a right inherent in the subject, fundamental in the Constitution, just in its origin, and beneficial in its application : but at the same time it is a right subject to limitations, and, as such, a questionable right. That it is a restricted right we know from the act

of the 13th of Charles II. st. 1. chap. 5. the restrictions of which I need not here enumerate: but the reasons of those restrictions we all must remember to be on account of the rage for petitioning that preceded the grand rebellion in the year 1640; and we know too, that it is under these restrictions that the right is declared and confirmed by the act of the first of William and Mary, st. 2. chap. 2.

This then being the case, my argument is, that the ground of every petition to the King, or to either House of Parliament (legal ground I mean) is and can only be for two causes, either against the infringement of a constitutional right by the Legislature, or by any branch of it; or, that right being so infringed, for a redress of grievances. Now, I conceive, the constitutional rights of the subject to be, and only to be, the right of personal security, the right of personal liberty, and the right of private property; and against the infringement of any of these rights, or, if infringed, for the redress of grievances, are the grounds, and the only grounds, on which the subject's right of petitioning the King, or either House of Parliament, is made to rest.

This, said his Lordship, I take to be clear and indisputable doctrine; and being so, let us see whether the petitions that have been and may be again presented, for the abolition of the Slave Trade, are founded upon the infringement of any one of those rights; and if not, whether they are not consequently illegal? Let me ask then, is the Carrying on of the Slave Trade against the personal security, against the personal liberty, or against the private property of these petitioners; or does it in any wise whatever, attach upon or disturb any one of these rights? What must be the answer? Examine the question. It is impossible to be so. Upon what ground then are these petitions? Are they for the redress of grievances? No: this neither cannot be; for none of these rights are infringed upon, and not being infringed upon, there are no grievances to be redressed.

But these petitions must have some ground to stand upon, and what is it? It is, say the petitioners, the ground of humanity; but humanity, as I have shewn, is no ground for petitioning: Humanity is a private feeling, and not a public principle to act upon: it is a case of conscience, and not a

constitutional right; and if petitions are to be admitted for conscience sake, why not petition to alter the liturgy of the church of England, and to change the established religion of the country? the ground is the same, and the reason the same; but, I trust, the practice is not meant to be the same. But here, too, reverts my question, What right has a Quaker, or any other dissenter, to more humanity than a Church-of-England man?—And yet such is the pretence: but admitting he has, what is the answer to their petitions? The answer is, have nothing to do with the trade, and your humanity is out of the question: but if this were not so, let me ask again, What right has any body of men, however numerous (unless with minister views, or for hypocritical purposes) to set up their humanity against the humanity of other people; and, to satisfy that humanity, to call upon Parliament, to do what? to repeal their own acts; and this too in a case where not only public faith is to be violated, public justice sacrificed, all ideas of policy obliterated, thousands and tens of thousands of subjects ruined, millions and tens of millions of property lost—but where against this very (now-dissenting) humanity, this trade has been carried on by all countries in the four quarters of the globe: and particularly by this for near two centuries and a half. But what is all this to us, say these petitioners; for has not Citizen Robespierre said, “Perish the colonies, rather than we shall lose one of the principles of our new philosophy?”—But, said his Lordship, I say, that this is to dictate to Parliament, it is to petition “for the alteration of matters established by law in the state,” which is expressly contrary to law; it is to set up toleration against establishment, and to presume on strength where weakness ought to prevail*. I say farther, it is to require that which, in the concatenation of philosophic events that are looked for, forms the first and chief link of the chain: for if the abolition of the Slave Trade, as avowedly it is, be that tenet in which dissenters of all denominations agree, what is this but that basis of union from whence all other reforms are to arise? To abolition abroad, abolition at home will follow. Reform of Parliament comes next; out

* The following paragraph was not delivered, but reserved with some other matter in reply if the motion had come to a question.

of which the pickings and gleanings of the church-lands, with the church-lands themselves, may be no unfriendly provocative to the abolition of the right reverend bench in my eye. My Lords, said his Lordship, the House itself in which we sit, is a link in this chain ; and so on, in succession, with abolition, *velut unda supervenit undam*, succeed abolition, till the monarchy itself, as the last closing link, shall make way for that grand democratic despot, *Anarchy*, to enter ; converting this very chain of events into fetters of slavery even for those who forged it. And when I say this, let it not be thought that I speak unadvisedly ; for what has been, may be again : nay, what has been, is again. What England was in 1640, France, and by the self-same process, now is. France has its National Convention, England had its no less memorable Parliament : Charles I. lost his head, Louis XVI. has lost his. Anarchy then prevailed in England, Anarchy now rules in France. The inference I then drew, said his Lordship, is this, that these petitions are not founded on any constitutional ground, either of infringement of right or redress of grievances, but favouring of the times, are like those tumultuous petitions that, preceding the grand rebellion in the year 1640, gave occasion to the act alluded to of the 13th of Charles II., and being so, falling under that act, are consequently illegal, and being illegal, ought not to have been received, but being received, ought wholly to be disregarded. His Lordship added, I shall trespass no longer on your Lordships' time, than by moving, That the further consideration of the question for the abolition of the Slave Trade be postponed to this day five months.

Earl STANHOPE said, he never was more surprised at any circumstance than the present motion ; it was unprecedented in practice — unvindicated by reason. What ! stop a judicial inquiry, when only one side of the question had been heard, and refuse to receive the arguments that were to be opposed to the evidence ? This would be the height of injustice. The abolition of the slave trade was a glorious, a most glorious work ; it was the work of humanity, of freedom, and of justice ! and as such it should, in every stage of its progress, have all the support he was able to give it. He saw not how the conduct of the French interfered in this business : our slave

trade had nothing to do with the Revolution in France, and therefore he should give the motion his most decided negative.

The Duke of CLARENCE, after stating his reasons for deferring the farther consideration of the slave trade to this day, informed their Lordships that he certainly meant to have made some motion on the subject similar to that which was offered by the noble Earl ; for he did truly conceive, from the most incontrovertible proofs in his own mind, that it would be impolitic and greatly unjust to destroy it in the manner proposed by the friends of its abolition. His Highness then went pretty much at large into the merits of the trade, the immense capital that was employed, the stake that was held in that part of the world, and the consequences that must ensue from putting a stop to that which ages had confirmed as highly beneficial to this country. The business of this sort of freedom was begun by a Mr. Ramsay, who was one of the most tyrannical men that ever governed a plantation in the West Indies—cruel, oppressive, and vindictive, but who, philosophised by those new-fangled principles of liberty, which had deluged Europe with blood, became now as great a tyrant to order and good government as he was before to justice, moderation, and true liberty. His Royal Highness, warmed by the subject, went so far as to assert that the promoters of this Slave-trade bill were either fanatics or hypocrites, and in one of those classes he ranked Mr. Wilberforce, from the influence of illusion. In reply to what had been said by Earl Stanhope, he saw not one shadow of argument that went to do away what had been argued by the noble Earl who made the motion. And that French politics did interfere with the opinions and arguments of British senators, he should be able to prove by a letter from Lord Stanhope to Citizen Condorcet, which, if a forgery, the noble Lord was at liberty instantly to stop him. This letter His Highness read, and it contained congratulations to the French Republican on the turn which the slave trade was likely to take, and the victory obtained in the House of Commons over the opponents to freedom. It also mentioned with joy that the day was arriving when liberty would triumph, and monarchical tyranny be every where exploded and crushed. [This letter was dated the 6th of April, 1792,

and certainly proved that the ideas of French freedom were connected with the slave trade in this country.]

Lord GRENVILLE took up, in a very serious manner, the attack made on Mr. Wilberforce by the noble Duke — a gentleman whose humanity was an ornament to human nature, and whose character ranked high in the estimation of the Public and the opinion of his acquaintance. The epithets of fanatic or hypocrite belonged not to him : he took up the business with a spirit that flowed from justice, and persevering in it with an assiduity that did credit to his heart as well as his head. There was little doubt, he trusted, but that in the end the noble object of his pursuit would be crowned with success. He hoped that he might attribute what had fallen from the noble Duke to the warmth with which he had taken up the subject, and he hoped he should be convinced it was so. In respect to the motion before the House, it certainly should have his dissent ; because, as observed by his noble relation, it was not giving a fair chance to the business ; and, exclusive of that, it would be a great insult to the Commons to decide by this hasty vote that which they had with such labour and pains brought to their bar for a solemn decision. For his own part, he should wish to hear all that the merchants could advance upon the subject, and not suddenly arrest the trial in its progress. It appeared as if the supporters of the slave trade had no other grounds to go upon that could serve their cause, and therefore that they wished, by a sudden motion, thus at once to get rid of their defence. On this account, without entering into the merits of the trade, he should vote against the present motion.

The Earl of LAUDERDALE coincided with Lord Grenville in those points which respected a fair hearing of the evidence ; but he wished to know whether the business was likely to be finished this session of Parliament.

The Duke of CLARENCE made a handsome apology for what he had said on Mr. Wilberforce ; he respected that gentleman's very high character, and certainly meant him no personal or political insult.

The Bishop of St. DAVID's said, though neither a correspondent with Condorcet, an admirer of French republicanism, or a friend to fanatics, yet he conceived that, before war was

declared against France, he might communicate by letter with a man of sense, talk familiarly with a Dissenter, and converse on philosophy, without losing an atom of that veneration he had for our mixed monarchical Government, or forfeiting an iota of his firm allegiance to the King, and his true friendship for the Constitution. But it so happened that he had no correspondents in France, and that he detested from his heart the principle which it is now evident actuated this Rebellion. He was, however, a friend to the bill for abolishing the slave-trade, and having read and studied the whole of the evidence on that subject, and in a great measure made up his mind upon it, he should certainly give his negative to the motion made by the noble Earl. The learned Prelate defended the Dissenters, and said there were numbers among them who were zealous friends in the cause of monarchy, and who wished for no other Government but that under which they now lived with so much toleration. He desired that in this allusion he might be understood to mean the Calvinists.

Lord HAWKESBURY was against the motion, although he did not see the abolition of the trade in that light in which it was viewed by others.

The Earl of MANSFIELD hoped the noble Earl would withdraw his motion, and not take the sense of the House upon it.

Lord GRENVILLE, in reply to Lord Lauderdale's question, said he did not think the evidence could be got through in the present session; but he mentioned his pleasure at the explanation made by an illustrious Duke.

The Duke of CLARENCE again reinforced his apology with a strong assurance that nothing personal was meant.

The Earl of ABINGDON, finding the sense of the House against him, withdrew his motion, and the farther consideration was adjourned to Wednesday next, and at seven o'clock the House adjourned to next day.

Monday, 15th April.

The order of the day for the second reading of the Traitorous Correspondence bill being read,

Lord GRENVILLE rose, and began by observing, that he did not conceive it necessary, nor did he intend, in that stage

of the bill, to enter much at length into a detail of its provisions, but would only state to their Lordships the general outline of its principle, reserving to himself to make what further observations he might think necessary, either when the particular clauses should come under consideration in a Committee, or in reply to any arguments which might be urged in the course of the debate. The general principle of the bill went to the preventing the enemy, during the war, from being supplied by subjects of this country, in the way of commerce, with any articles useful and important to them in carrying on the war against us, or from deriving any resources, through the medium of this country, which may afford them the means of prosecuting the war. Part of the bill was only declaratory. The crime of treason had ever been reckoned, in all countries, to be paramount to any other, and the reason of this was obvious; because, as it is a first and fundamental principle of all criminal law that crimes ought to be punished, not in proportion to the degree of moral turpitude, but as they affect the interests of society; so that crime must be, of all others, the greatest, which, instead of attacking the property or security of any private individual, goes to the total overthrow and dissolution of the whole society, and of its established government. His Lordship then proceeded to take a view of the treason law of this country from its earliest history, and stated that in the reign of one of those princes to whom the jurisprudence of this country owed perhaps as much as to any other, a law was passed, the statute 25 Edward III., which, after many ages, continued at this day to form the treason law of this country. That act not only provided for such cases of treason as struck the framers of it most forcibly at the time, such as aiding or abetting the King's enemies, compassing or imagining the King's death, &c., but it also made a wise provision with respect to futurity in the case of the commission of treasonable acts which were not then foreseen, so as that part of the subject should not be left loose. Under the provision of that statute, his Lordship said, that Parliament might even go the length of declaring an act to be treason which had been previously committed; that was, however, a power which should be most cautiously exercised — it was of a most delicate nature, and had therefore been seldom exercised. The last in-

stance he recollects in which it had been exercised was, as he thought, disgraceful to the country. In general, a much better and more equitable plan of proceeding had been adopted, and, meeting the particular exigencies of the times, the wisdom of the Legislature of this country had thought it proper, at different periods, to enact many temporary laws, specifying particular acts to be treason, many of which would otherwise have come under the general law of treason. It was, therefore, for their Lordships to consider whether there were any circumstances in the present situation of this country which called for the adoption of a measure of this kind. We are engaged in a war; and every body must admit that the enemy, with whom we are at war, is different from any other enemy which this country ever had, both in its objects in the war, and as to its resources for carrying it on. His Lordship then adverted to the different clauses of the bill, and argued that they are necessary in the present crisis, and justified both upon principle and by precedent. As to the clause with respect to persons going from this country into France, he said, that the power with which His Majesty, as the chief executive magistrate, is already invested by law, for the benefit of the whole, would go a great way indeed in this respect. His Lordship concluded with saying, that the present was a momentous period; that we are engaged in a war for our laws, our liberty, and our constitution, and that with a great people, who, even in their present distracted state, were formidable, and possessed considerable resources, and who had every thing to lose, or every thing to gain. We too were pretty much in the same situation, for we could only be saved by success. It was, therefore, highly incumbent on us to take the necessary measures for our safety; and considering the present bill to be a measure of that kind, though weaker than what had been formerly adopted on less urgent occasions—weaker, perhaps, than he could have wished—he felt himself called upon to give it his support.

The Earl of GUILDFORD wished that the noble Lord had not confined himself so much to the general outline of the bill, but had entered more minutely into the nature and extent of its different provisions, and had brought the matter home to their Lordships' judgement, instead of arresting their feelings

in the manner he had done in the latter part of his speech. Were the bill indeed such as the noble Lord had stated it to be; did it go only to prevent traitorous correspondence with the enemy, or the giving them aid or assistance, it should have had his hearty support; but when he found it a compound of political absurdities, extending to an alarming degree the law of treason, while at the same time it deprived persons accused, of those benefits in their trial which the justice and mercy of the Legislature of this country had allowed in all cases of treason: when he found it contain, besides these, a variety of the most dangerous and unconstitutional provisions, he found himself called upon to oppose it, even in this stage, as a bill which ought not to be at all entertained by the House, and to call upon their Lordships, in the most earnest manner, to reject it. His Lordship then proceeded to make observations on the different clauses of the bill. With respect to the first clause, it had been said that all the acts specified in that clause are already treason, and that the taking off from these the corruption of blood, upon conviction, was an act of tenderness; but what sort of tenderness was this, when, upon the pretence of facilitating conviction, a prisoner was deprived of all the guards which the law had wisely and justly afforded for the protection of innocence in all cases of accusation for treason? Great, however, as he thought this objection to the bill, there was another part of it still more objectionable, and which set at defiance all ideas of criminal law; for as, in the part just alluded to, the punishment had been lessened in order to facilitate conviction, a punishment of the most unparalleled and unjustifiable severity had started up in another part, where the purchase of a French mortgage was placed in the same situation with an attack upon the life of the King. The agreeing to do any of the acts prohibited in the first and second clauses, even by a verbal agreement, is punishable in the same manner with the act itself, and that verbal agreement may be proved by one witness. What an inlet was this to perjury! How unjust to leave the lives of men to be affected by evidence which would not be received in a civil case to the extent of 10l. His Lordship concluded with saying, that if those who, for some time, had acted on the same political principles with himself, had been all frightened from making any opposition

in another place, the present bill would, most probably, have come up to that House in its original form, which appeared to be so much the wish of the noble Secretary of State; perhaps it might even have been his own wish; for had it done so, he was persuaded that its evident absurdity and injustice must have struck their Lordships so forcibly, at first sight, as to procure it immediate rejection.

The Earl of KINNOUL seemed to approve of the principle of the bill, but opposed the insurance clause, and rested much on the authority of the late Earl of Mansfield in 1747: he did not, however, object to going into a Committee on the bill.

The Duke of NORFOLK said, he could see no greater danger in this war than in former wars in which this country had been engaged with France; and he saw, therefore, no occasion for any extension of the treason laws. Admitting even that France wished at present to disseminate her principles here, and to overthrow our Constitution, which he hardly believed, still the present war did not seem to him more dangerous than our wars with France in the reign of Louis XIV., and at other periods. Seeing then, in this instance, no necessity for any extension of the law of treason, he opposed the principle of the bill; but, if it should go into a Committee, he hoped, at all events, it would be amended in several particulars which he thought extremely objectionable, were it even right in its general principle.

Lord HAWKESBURY began by observing on the danger to this country from the endeavours of France to disseminate here her detestable principles; for dangerous, he said, it must be, when a great nation like France is using every art to destroy not monarchy alone, but all civil government and regular order in society. Upon the second clause, as to the purchase of lands in France, his Lordship observed, that it was, in fact, avowed by France, that they had no other possible means of carrying on the war but by the sale of their lands. The necessity, therefore, of this clause was apparent, and indeed, in this situation of matters, the purchase of these lands, or giving money for them by persons in this kingdom, was, in fair construction, the giving of aid to the King's enemies. His Lordship supported strongly the general principle of the bill, as well

as its various clauses, particularly the clause respecting insurances, upon which he spoke at considerable length, and argued that it was consonant to just commercial principles, as well as to political principles.

The Marquis of LANSDOWNE considered the present bill as one of great importance, and equal to any in that respect that ever came before that House. Their Lordships had from time to time been called upon to exercise the great power they possessed, but in no one instance were they called upon to exercise power on the nature of treason, as by the present bill—it was a measure for making new treason. They were called upon for the exercise of the highest of all trusts that ever was reposed in a deliberative body of men. The question was not one that might affect the life of one or two individuals, but the lives of many individuals. Great as had been the alarm about treason, and of treasonable intentions, he owned he knew of neither; and as to the present bill, brought before their Lordships avowedly for the purpose of protecting us in that respect, he owned it appeared to him to be a hodge-podge, to supply, at this late period of the session, all the want of evidence of treason with which the people of this country were alarmed at the commencement of it; and as the present reign had been remarkable for mildness in this respect, not one act having been declared to be treason that was not so by the ancient law of the land, now Ministers seemed, as it were, to make up for that remissness, and to declare many things to be treason which were in themselves innocent. His Lordship then took up the general nature of the bill as it applied to ancient law, and maintained that it was repugnant to the fundamental principles of that law. He agreed with those who stated it was necessary we should use our utmost endeavours to bring the present war to a conclusion—a war which he was so far from thinking politic, just, or necessary, that he thought it unnecessary, and such as might easily have been avoided. He agreed, however, that we ought to use our best endeavours to bring it as soon as possible to a conclusion. The question would be, what means should we take to bring about so desirable an end? for this he was clearly convinced the present bill was not adapted; none of its provisions would have that effect. Here his Lordship took notice of the several parts of the

bill, and the first part that excited attention was the clause respecting the insurance of ships. He maintained that the whole principle of this clause was repugnant to the real commercial interest of this country, for that others would take the business up as we abandoned it, and the large profits which our merchants had hitherto been accustomed to make, and by which, as a nation, we had benefited so much, would in all probability be lost to us for ever; for all who knew any thing of the nature of commerce, knew that when once it was diverted, it was difficult to restore it to its former channel. America, for instance, the most flourishing country the sun had ever shone upon, would take up the business of insurance, which that bill declared to be treason for us to pursue, and who would be answerable for our being able, at the end of the war, to resume that trade. This was not all, for several other parts of Europe had now become acquainted with this mode of commerce; nay, he had good reason to know that all Europe would soon adopt it; and he knew also that Sweden and Denmark were about to become an armed neutrality, for the purpose of profiting by the trade which we were about to lose by the wisdom of the present bill. But he must again recall to their Lordships' mind the effect of such measures, and the danger of allowing the channel of our commerce to be interrupted, and its course to be diverted. By the present measure he was sure emigrations would take place; he had reason to know that many had been already meditated. Had their Lordships any idea of what might be the effect of these emigrations? Did they reflect on the progress of America by such emigrations? Did they reflect that a man went from this country at forty years of age to the province of Pennsylvania, where he found only a few savages, and that before the death of his son the number of persons there amounted to one hundred thousand, and that at this moment they were nearly four hundred thousand? Did they reflect what would be lost to this country upon interest, upon demurrage, and upon other parts of commerce, which would be affected by the clause respecting insurance? All these things we owed to the great wisdom of our Ministers, who had determined upon taking care of the interests of this country, by pursuing a plan for the utter destruction of the French. All our happiness depended, and our

safety, it seemed, upon the hermetically sealing up twenty-six millions of men ; the liberal, humane idea of starving twenty-six millions of our fellow creatures, was that upon which we were to build our prosperity. This was as foolish as it was inhuman ; and as well might we think of offering the Royal Society a premium for inventing a balloon for blowing them all up. The authors of this bill had a different way of thinking from all the best Ministers this country ever knew ; at least they pursued plans very different from all others. They were wiser than Lord Godolphin ; they were wiser than Lord Chatham ; they were wiser than Mr. Pelham ; they were wiser than Lord Mansfield ; they were wiser than Mr. Grenville ; in short, the present Administration might well be called the wonder of the world ! His Lordship then took notice of the danger there would be to this country of emigration to America, and said, he wished to remind Administration of these things, and to remind the Public too, that, as soon as the absurd prejudice which had been created against the French upon questions of religion and speculative points, with which we had nothing to do, nor upon their internal regulation, we might return to common sense, and to see the points upon which our real interests turned. These, great and extensive as they were, yet were not all the points of objection he had to the bill. It affected the liberty and the property of every individual in this country in a great and violent degree. With respect to property, he did not see what Administration had to do with it ; and he defied them to shew their right to meddle with it ; and for the other, it ought to be always sacred, except in cases of the most extreme necessity. Policy required this as well as justice, for it was essential to the interest of a state that its subjects should be satisfied with the means an administration adopted for the public safety, and more particularly in all steps taken upon the law of treason. Here his Lordship took notice of the opinion of Mr. Justice Foster, who recommended mildness and gentleness, and not severity and rigour, upon all constructions of the law of treason. There were other authorities that might be quoted to the same effect, as an instance of which his Lordship read the preamble of the act of William and Mary. But the great question was this, What were we pursuing these restrictions for ? To support the present war

—a war which he thought at its commencement, and thought still, unjust and unnecessary, but which he would support while he thought there was any probability we should bring it to a conclusion ; but he begged leave to say, that in this respect he was not such an enthusiast as to support every measure which the madness of an Administration might lead them to adopt. He certainly recommended moderation to them. He should pay the taxes that might be imposed upon him, and pay obedience to the laws, but he should take every opportunity that came in his way of telling that House and the Public what he thought upon public measures ; and upon this he must declare, that he had no idea that the measure which Ministers were now pursuing would put an end to this war. For what was this war continued on our part ? We were told at the beginning of this session of Parliament, that we must assist our allies the Dutch, though they never called upon us so to do. We were told again, that the French must be driven from their conquests, and that they must retire within their ancient limits : they were driven from their conquests, and confined to their own territories. What other object had we in view ? Why not now rest upon our arms ? Why might we not imitate the declaration of the Prince of Saxe Cobourg, greatly to his honour, if he meant to keep it, greatly to his dishonour, if he meant to abandon it ? Was it becoming the English character to adopt the language of the Duke of Brunswick ? He must again say, that we had nothing farther to do. We had already spent six millions of money upon this war. If the Dauphin should ascend the throne, as he hoped he would, should we have our expence returned to us for the farther prosecution of this war ? What then was the object of the farther prosecution of the war ? Was there to be a new division of Europe ? a thing very difficult to be effected ; and, when effected, he doubted whether we could be gainers. Was there any other power to be aggrandised ? Was Austria to have more dominion ? and if so, what were to be our gains by such a measure ? Here his Lordship pointed out the probable ruin of our commerce, if we pursued this plan. Had their Lordships, he asked, lately attended to the Gazette ; did they see the frightful list of insolvents there ? He then enumerated many particulars of these insolvencies in various parts of the

kingdom, and observed, that he was in hopes we might profit by reflecting on the American war, in which seventy millions of money had been exhausted by Ministers, contrary to their own principles at the commencement of the war. He said he should do all in his power to bring this war to a conclusion on our part, and should never countenance a measure that tended to prolong it, as it was a war that only tended to heap calamity on calamity.

The Earl of DARNLEY was in support of the general principle of the bill, but thought that some amendment might be made to it in the Committee. He added, that he was convinced it would be impossible to treat with the French while they had their present force, or any thing like their present form of Government.

The Earl of LAUDERDALE complimented the noble Marquis upon the full and able manner in which he had entered on the discussion of this subject, and maintained that nothing could be more dangerous and alarming than the doctrine of the noble Lord who spoke last, that it would be impossible to treat with France while any thing like the present form of government existed there; his Lordship was decidedly of opinion that we should, and eventually must, treat with those who have the power of government, be they who they may. He warned the House of the danger of affecting contempt for those who exercise the Government of France: it was an easy thing to abuse Condorcet, or any other Member of the Convention. He remembered very well when in another House of Parliament a great affected contempt was thrown upon those who were then called Hancock and his crew, but that doctrine cost this country much treasure, the effect of which we feel pretty severely at the present moment. His Lordship then took up the principle of the bill, and the various clauses also, and argued from both, because he said that each clause had of itself a principle. He maintained the injustice, inefficacy, and the impolicy of the whole of it as a mass, and the tyrannical nature of several of the clauses in particular. He made several observations on it, as it would be injurious to the sale of any of our commodities abroad, and was pointedly severe on that part which had been taken in the progress of the bill as it affected cloth. He quoted the autho-

rity of Lord Mansfield in a speech which he delivered in the year 1747, in the House of Commons, upon the subject of insurance, and agreed with the substance of that able speech. His Lordship quoted also the opinion of Mr. Justice Blackstone upon conspiracies and plots, in which he says, that alarms of false plots and conspiracies were always the props of a wicked administration. These observations applied to the present bill with great force. His Lordship concluded with dissenting from this bill altogether.

Lord PORCHESTER entered into the principle of the bill, and in a speech of considerable length supported it.

The Duke of PORTLAND said, he should not oppose the commitment of the bill, because he thought the Committee the proper stage for correcting several parts of it, that appeared highly objectionable. He disapproved, in particular, of making the agreeing to do certain acts equally criminal with the acts themselves. But his principal reason for rising on this occasion, was to say, that with respect to the bill, and all other measures, he would, in perfect consistency with his former declarations, give a fair and honourable support to the war, because he thought it both just and necessary. This he should do from no timidity, unless zeal for the preservation of the Constitution could be called timidity.

The Earl of GUILDFORD said, he should not press his opposition to the commitment of the bill, as most of his objections could be made with equal propriety in that stage, or on the third reading, although he had but little hope of seeing them removed.

The question was put and carried.

The bill was ordered to be committed to-morrow.

Adjourned.

Tuesday, 16th April.

In a Committee of Privileges,

Resolved, That it did not appear to the Committee that Lord Castlestewart, claiming the title of Lord Ochiltree, had made out his right to that title.

Rejected the vote of Lord Lindores as bad.

Sustained the right of Sir James Sinclair of Mey (now Earl of Caithness) to vote at the last election of the Peers of Scotland.

The order of the day being read for going into a Committee of the whole House on the Traiterous Correspondence bill, Lord Walsingham took his seat at the table, and the clerk proceeded to read the bill. At that part of the first clause which enacts, that “ if any person residing or being in Great Britain, shall knowingly and wilfully, &c. agree to sell,” &c.

The Earl of GUILDFORD proposed an amendment, by omitting the word “ agree,” and substituting, in its place, the words, “ make any agreement in writing.” His Lordship said, that although he could, by no means, approve of that part of the clause in any shape, yet he would not press the total omission of it, but only that it should not extend to verbal agreements, which he thought would be highly dangerous and unjust.

The Duke of MONTROSE opposed the amendment, and stated that, in his opinion, it would totally defeat the intent and object of the present bill, because the prohibitions and penalties of the bill would not attach, either where the agreement was not reduced into writing, or where such writing, if it existed, could be kept out of sight.

The Earl of LAUDERDALE spoke strongly in favour of the amendment, and said, he trusted that noble Lords on the other side of the House would meet a subject of this importance with fair and rational argument; and would not think it right, or decent, to trust to the force of a majority, and to drown the voice of reason. Here his Lordship was called to order by

Lord SYDNEY, who said with some warmth, that it was surely, in a high degree, disorderly to suppose, that that House would drown the force of reason, by the force of a majority.

The Earl of LAUDERDALE explained, that he had not said, nor did he believe that it was possible the House would do so; but only, that, if those noble Lords, who supported the present bill, should preserve a stubborn silence, instead of coming forward to a fair discussion upon argument, such conduct would naturally appear to proceed from an indecent confidence in the support of a majority.

The LORD CHANCELLOR said, that the noble Duke (Montrose) had not certainly spoken at much length, but the argument he had made use of appeared to him, strong, clear,

and decisive; viz. That by adopting the amendment, the whole purpose of the present bill would be defeated. His Lordship then proceeded to state, that it was a matter fixed and settled in the existing law of treason, that treasonable words might be the subject of an indictment, and might constitute an overt act of treason, under each of the general clauses of the act of Edward III. He did not by this mean, that general expressions, or *verba jactantia*, but words spoken with the deliberate purpose of counteracting any of the prohibitions of that statute, by compassing the King's death, or aiding and abetting the King's enemies, &c. The noble Lord (Lauderdale) had stated, that the bill applied to foreigners resident in this country, and that words spoken by them might be peculiarly liable to misconception and misconstruction. This might perhaps lead to a difficulty of conviction, from the doubt it might leave in the minds of a Jury, but it appeared to him to afford no objection against the provision in the bill which was now objected to, and he would therefore oppose the amendment.

Lord THURLOW agreed entirely with all that had been said, in the progress of this bill, as to the necessity of prosecuting the war with vigour, and of using every proper means to distress, during its continuance, that enemy which had unjustly forced us into it. His Lordship entered into a long and learned history of the law of treason, and said that, on particular emergencies, it was no doubt proper to declare, by a particular enactment, what specific acts would fall under the general terms of the act of Edward the Third; but it appeared to him that this ought to have been done in a much more simple form than had been adopted by the framers of the present bill. Nothing was more important than certainty and precision in the definition of crimes, particularly of crimes to which the penalties of treason were to be annexed; because nothing could be more unjust, or more abhorrent to the principles of liberty, than to leave any doubt or uncertainty in a matter of this kind. The first clause of the bill appeared to him to be all that was necessary, and he objected to it in its present form, as much too long and too intricate; at any rate, the addition of the words "knowingly and wilfully," in several parts of the clause where they were at present omitted, would be indispensably necessary. His Lordship stated, that,

in prosecutions for treason under the act of Edward III. it is necessary to charge, in the indictment against the prisoner, some one of the treasons generally defined in that act, as the compassing the King's death, levying war against the King, or aiding and comforting the King's enemies. It is also necessary to state the particular facts charged as overt acts of that treason—the Court determine whether the overt acts charged amount to the crime of treason ; and afterwards it still remains with the Jury to satisfy themselves from all the circumstances, whether these overt acts were done with a treasonable purpose and intent. His Lordship said it was no doubt true, that words spoken with the view of exciting another to compass the death of the King, would amount to an overt act of treason, under that branch of the statute ; but he denied that words could be deemed to be an overt act of treason, under either of the other branches of it, as to levying war against the King, or aiding and abetting the King's enemies.

Lord KENYON spoke in favour of the bill, and against the amendment.

The Earl of GUILDFORD said a few words, importing that the great objection he had to this part of the bill, was, that it was not left to the Jury to decide *quo animo* the fact might be committed.

After which the question was put on Lord Guildford's amendment, and negatived without a division.

The Earl of LAUDERDALE stated, that the clause, as it stood, would prevent the exportation of any of the prohibited articles to any part of France, which might even happen to come into the possession of this country ; for instance, if we should take Dunkirk, it would be in the power of His Majesty to grant a monopoly to particular merchants. To remedy this, his Lordship proposed an amendment by leaving out the word ' or.'

The Earl of GRAHAM (Duke of Montrose) spoke against the amendment, which was negatived without a division.

Earl STANHOPE stated the high importance to the country of paying the strictest attention to public credit, and to the security of the public creditor. He said, that as the clause now stood, an Italian residing in France, and having property in the funds here, would have no mode left of receiving his

dividends, except by bills of exchange, the negotiation of which would be rendered impracticable by the operation of the bill: He therefore moved an amendment, to leave out the following words, " or any note or bill, notes or bills of the Governor and Company of the Bank of England, or any gold or silver bullion, or any gold or silver coin, either being coin of this kingdom, or of any other country."

Lord GRENVILLE admitted the high importance of every thing that regarded the public credit of the country; but insisted that the public creditor, who might be resident in France, was not put, by the operation of the present bill, into any other situation than was the necessary consequence of the war betwixt the two countries.

The question being put on Earl Stanhope's amendment, it was negatived without a division.

Earl MANSFIELD approved of the general principle of the bill as justified by the present circumstances, and entered at some length into the law of nations, so far as regarded the effects of a state of hostility with respect to the subjects of the respective countries engaged in war: He approved of all the prohibitions contained in the first clause of the bill, but objected to the omission of woollen goods, as he said he believed the French were very much in want of cloathing for their army; and he concluded with moving that the words, " woollen goods," should be inserted.

The LORD CHANCELLOR said, that was a subject which had been much attended to by the framers of the bill; and, if any mode of expression could have been devised which would have prevented the supply of the French army with the articles alluded to, and which would not go to prevent their being sent to the use of private individuals, so as to carry the operation of the bill in this respect much too far, he would certainly be happy to meet the ideas of the noble Earl: but after the most serious attention he could bestow upon it, it did not occur to him that this could be done. As to the prohibition with respect to boots and shoes, there was this material distinction betwixt these articles and woollen goods; that, from the high price of leather in this country, they had never formed any article of export to France; and if they were to do so now,

it could only originate from the pressure of the present moment, requiring a supply on any terms.

Earl MANSFIELD declared himself satisfied with this explanation, and withdrew his motion.

On that part of the clause which declares, that every person offending against the prohibitions therein contained, "being thereof lawfully convicted or attainted, &c. shall suffer death as in cases of high treason in counterfeiting the King's money."

The Earl of GUILDFORD mentioned that, on this part of the clause, he thought it right to state his intention of moving an amendment, for the purpose of extending the benefit of the statute of the 7th of King William, to persons brought to trial for offences against the indictments of the present bill.

Earl SPENCER, declared his entire approbation of the general principle of the bill, and that he had promised and would give to His Majesty's Ministers a fair and honourable support, in the prosecution of the war into which we had been dragg'd by the French, whose principles were destructive of all regular Government; yet he conjured the noble Lords who supported the present bill, to recollect that they professed the support and preservation of the Constitution; and that they were therefore peculiarly called upon to be watchful against giving a mortal stab to British liberty. This, he thought, would be at least in great danger of being done, by excluding persons brought to trial under this act; and feeling this so strongly as he did, if the exclusion of this benefit was persisted in, he must unwillingly give his negative to the whole of the bill.

The LORD CHANCELLOR said, he was sure their Lordships must have felt a deep impression from what had fallen from the noble Earl who spoke last, and said he had no objection to go into his idea, although it had been generally understood that the benefit of the statute of King William was only meant to extend where corruption of blood took place.

The first clause, as amended. was then agreed to, and it was understood that a clause suggested by the Duke of Norfolk, making an exception of cutlery ware, should be afterwards drawn up, and introduced. On the second clause,

The Earl of KINNOUL rose, and, in a speech of con-

derable length, objected to that and to all the remaining clauses of the bill, as unnecessary and impolitic.

Lord HAWKESBURY stated, that this clause in particular, appeared to him the most important in the whole bill.

The Earl of LAUDERDALE moved, to omit the words "any person" in the beginning of the clause, and to insert "any subject of His Majesty," which was agreed to.

The Earl of LAUDERDALE proposed another amendment for the purpose of limiting the prohibition to lands actually in the possession of the existing Government of France, which was opposed by Lord Grenville and Lord Sydney, and negatived without a division.

On the latter part of the clause—"If any person being a subject of His Majesty, and out of His Majesty's dominions, shall, &c. &c. and shall afterwards voluntarily return, or come to Great Britain, &c."

The Earl of LAUDERDALE said, the operation of these words was to legislate indirectly for Irishmen. If, for instance, an Irishman not now in His Majesty's dominions, should do any of the acts prohibited in the clause, he might return to Ireland as an innocent man; but if he presumed to set foot in England, he became guilty of treason, although he had violated no law which as an Irish subject he was bound to know.

Lord GRENVILLE said, the clause had been drawn with particular care to avoid the appearance of legislating for Ireland; and as it was not to be supposed that the Irish Parliament would differ in opinion from the British Parliament on the subject of the bill, the noble Lord's objection would soon be done away.

The clause being gone through,

The Duke of NORFOLK said, he should move an amendment on the report, unless a proviso to the same effect were introduced in the Committee, to prevent the bill operating as an *ex post facto* law.

Earl STANHOPE objected to the whole clause, which, in his opinion, shewed that Ministers had involved us in a war on the presumption that the whole resources of the French consisted in the lands which they had declared national property, and that if the immediate sale of those lands was stopped, their resources must be stopped also. Nothing could be

more erroneous; for it was obvious, that whether the lands were immediately saleable or not, they could avail themselves of the value, by issuing paper to the amount of it.

The four following clauses were gone through without any debate.

On that which enacts that any of the offences committed out of the kingdom may be inquired of, and tried in any county of the kingdom; Lord Grenville, to give time for considering some of the amendments that had been suggested, moved that the Chairman report progress and ask leave to sit again to-morrow.

The Chairman reported progress accordingly, and the House adjourned.

Wednesday, 17th April.

Before evidence was examined at the bar, on the subject of the slave trade,

The Bishop of St. DAVID's rose, and made some remarks on that subject. His Lordship mentioned a pamphlet, written by a Mr. Collins, entitled, " Considerations on the Emancipation of Slaves, and the Abolition of the Slave Trade." His Lordship hoped to convince the House, and particularly a noble Duke (the Duke of Clarence) of the justice and force of the arguments used by the author of this pamphlet; and affirmed, that Mr. Ramsay, who had been mentioned in the course of the debate, was, to his knowledge, being Vicar of a parish near his Lordship, a man of the greatest veracity, integrity, and benevolence. His Lordship could not conceive why Mr. Collins had coupled the emancipation of negroes and the abolition of the slave trade together, as he was of opinion that the first would be impolitic, as well as the greatest misfortune that could befall them. He only would avail himself of the arguments in favour of the abolition.

The Duke of CLARENCE observed, that being in St. Kitt's in 1776 and 1777, it was universally known that Mr. Ramsay used his negroes more severely than any other person. This was firmly believed by every person with whom His Royal Highness has had an opportunity to converse.

Evidence was then called to the bar, and examined.

The Bishop of St. DAVID's asked the evidence (Mr. Miles)

whether he had ever known any master of slaves in the West Indies brought to trial for the murder of his slaves?

The Duke of CLARENCE rose, and observed, that if the reverend and learned Prelate had paid as much attention to the evidence that had been offered in that House as elsewhere, he would not have put the question. His Royal Highness read some acts of the Assembly at Jamaica, which forbade, under severe penalties, even the ill treating of a slave. His Royal Highness therefore moved, for the honour of humanity, and the character of that respectable class of men, the planters in the West Indies, that the question of the learned Prelate should be rescinded.

Earl STANHOPE seconded the motion.

The Bishop of St. DAVID's declared he meant no reflection on the West-India planters; upon which,

The Duke of CLARENCE did not press his motion.

The farther consideration of the slave trade was adjourned.

The order of the day being read, and the House having gone into a Committee on the Traitorous Correspondence bill, Lord Cathcart took his seat at the table, and the clerk proceeded to read the remaining clauses of the bill.

On that part of the 7th clause which enacts, that any offence against the act committed within Scotland, "may be alledged, &c. either before the Court of Justiciary at Edinburgh, or in any of the Circuit Courts in that part of the united kingdom,"

The Earl of LAUDERDALE expressed a doubt, that from the manner in which this part of the clause was expressed, an offence committed at Inverness, might be tried not only before the Court of Justiciary at Edinburgh, or the Circuit Court at Inverness, but even at Ayr, or Jedburgh, or at any other of the Circuit Courts.

The LORD CHANCELLOR stated, that by the peculiar constitution of the Court of Justiciary in Scotland, crimes could only be tried either before the Circuit Court held for the particular district where the crime happened to be committed, or before the Court of Justiciary at Edinburgh.

On that part of the same clause which enacts, that "every person or persons, &c., accused or impeached of any offence, made or declared to be treason by this act, shall or may be indicted, arraigned, tried, convicted, or attainted by such-like

evidence, and in such manner and form, as now are, or may, &c. be had or used against any offender or offenders for counterfeiting the King's money."

The Earl of GUILDFORD said, that their Lordships had now come to that part of the bill, to which the amendment would apply, which he had mentioned to the Committee yesterday his intention to propose: the discussion which then took place, and the effect it had produced, afforded him the most sincere satisfaction; he knew how strong an impression the nervous eloquence, and manly patriotism of the noble Earl near him (Earl Spencer) must have made on the minds of all their Lordships; and he would not therefore go over the argument which had been so well and strongly enforced, but would only move that the part of the clause just read should be omitted, in order to give room for introducing some proper clause, to extend the benefit of the act of the 7th of King William to persons tried for offences made or declared to be treason by the present act.

Lord GRENVILLE stated several reasons which induced those by whom the present bill had been framed, to consider that there was not the same ground for extending the benefit of the act of the 7th of King William to persons brought to trial for the specific offences declared to be treason by this act, as to persons brought to trial for treason under any of the general descriptions of treason in the act of Edward III. He did not, however, state this, as meaning in any shape to oppose the amendment now proposed; he felt the strongest impression from the warmth of constitutional attachment, which the noble Earl (Spencer) had expressed on the preceding evening, so eloquently and emphatically, and he felt the weight that was justly due to any thing that came from that noble Earl: he conceived it to be the duty, at the present crisis, of those who conducted the affairs of this country, to use every means of cementing the union of those, who, however they might differ on minute points, had in view only one great object, the preservation of the constitution and the general welfare of their country. He for one would have been ready at such a time, and for such a purpose, or concede a matter of much greater importance than he considered this to be, and in doing so, he should not conceive that he made an unworthy concession. He would,

however, submit to the noble Earl (Guildford) that it might be right to attach corruption of blood to treasons committed against the present bill, in the view of extending to those brought to trial for offences against it, the benefit of the act of the 7th of King William.

The Earl of GUILDFORD said, he would not object to this proposition.

Earl SPENCER expressed his thanks to the noble Secretary of State, for the candid manner in which he had treated the subject; he felt, in the strongest manner, the compliment much more than he deserved, which had been personally paid to himself; and he felt a still greater satisfaction in the adoption of the amendment proposed by his noble friend near him, (Earl of Guildford) to whom his best thanks were also due, for bringing forward that amendment. He concluded with saying, that he trusted neither their Lordships, nor the country, would ever have cause to regret, that, on the present occasion, they had followed that rule which had justly influenced the conduct of the best and wisest of our ancestors, *Nolumus leges Angliae mutari.*

It was then agreed to go through the bill in the Committee, and to delay till the report the amendments proposed by the Earl of Guildford, and any others which might be thought proper.

After which, the remaining clauses of the bill were gone through, and some trifling alterations made; and the House being resumed, the report was ordered to be received to-morrow. Adjourned.

Thursday, 18th April.

Lord CATHCART brought up the report of the Committee of the whole House on the Traitorous Correspondence bill, which was agreed to.

After which it was proposed, as an amendment, on the report, to include among the articles prohibited by the bill, all woollen cloathing, and other articles of cloathing, for the use of the troops, fleets, &c. employed by the persons exercising, or who shall exercise, the powers of Government in France, the persons selling, supplying, or delivering the same, knowing that they were intended for the use of such troops, &c.—

And an attempt was also proposed, to attach corruption of blood to the treasons made or declared by the said act, and another to allow the benefit of the statute of the 7th of King William to persons brought to trial for such treasons.

These amendments, with some others, were agreed to, and the bill, with the amendments, ordered to be printed, and to be read a third time on Monday next, and the Lords to be summoned.

Lord WALSINGHAM presented a petition from Mr. Hastings, of which the following is a copy :

“ That your petitioner once more makes his appeal, in the hope that it will be his last, to the justice of your Lordships ; that he forbears to state the too-well known hardships of his case, or the grounds on which he most solemnly asserts his belief, that unless your Lordships, feeling as he feels, *the enormity of the delays which have attended his long-protracted trial*, shall resolve that it be brought to a conclusion during this session of Parliament, it will not in the ordinary and permitted course be ended until the adjournment of another year shall have added to the chances of being concluded by other causes than the *legal verdict* of your Lordships, which, your Lordships have been told, *by one of the Managers for the Prosecution, must inevitably fall with infamy either on the head of your petitioner, or on those who have consumed so many years of your Lordships' attendance in labouring to prove their allegations against him.* That although it may not be possible for your petitioner to know the time which may be destined to the duration of the present session of Parliament, yet he cannot be insensible to the reports which he has heard of the short term which is assigned to it ; and even its uncertainty is to him a source of continual alarm. That as an humble individual, impressed with the firmest conviction of your Lordships' justice and humanity, he implores your Lordships to grant him that grace, which, *as a British subject, he might demand as his undoubted birth-right, the benefit of undenied and undelayed justice* ; and that your Lordships will not leave him a *single exception* to the rest of his fellow-subjects of this kingdom, whose hearts attest the wisdom of its constitution, and who boast of the blessings which they enjoy under it, blessings in which he cannot be said to participate, who having been the subject of a *criminal prosecution during six years*, is yet doomed to linger out his life in the same unmerited state of depression, suspense, and *(but for the breath of public opinion, and the hopes of life sustaining him) of universal and perpetual ignominy.*

“ Your petitioner therefore most humbly and fervently prays your Lordships, on whose *justice and honour* he places his firmest reliance, to adopt such means as to your Lordships' wisdom may seem best calculated to accomplish the end which your petitioner so anxiously solicits, namely, a close of this long-depending trial during the present session of Parliament.

(Signed)

WARREN HASTINGS.”

April 18, 1793.

Monday, 22d April.

The order of the day being read for the third reading of the Traitorous Correspondence bill,

Earl STANHOPE proposed a clause to be added to the bill. The purport of the clause was, to provide that nothing in the present bill should extend, or be construed to extend, to any money in the funds, or the payment of its interest, or to any debt lawfully incurred before the passing of the act, belonging to any person residing in France. His Lordship said, that this clause appeared to him to be founded in justice, so plain in words, and so necessary for the preservation of public faith in our commercial dealings, that he should abstain from making any comment upon it. He then moved, "That this clause be now received."

The clause being read from the Woolfack,

Lord HAWKESBURY said, he did not wish that the public faith in the funds of this country should be in any degree diminished; but the present bill was a necessary measure, and he apprehended that if the clause now proposed should be adopted, the whole tenor of the bill would be changed. There seemed to him to have been a mistake entertained by the noble Lord as to the extent of the public pledge to foreigners, or subjects of this realm living abroad, and to the mode of remitting to them the interest of their money in the funds, or the purchase money for their capital. Unquestionably all money, &c. either at the Bank or the Exchequer, was by law to be paid in the current coin of this realm, but there the responsibility ends; for as to the remittance of that money into any foreign country, and especially one at war with this, there was no public pledge whatever; money in that case was subject to the perils of all property in its passage from one country to another in time of war. This clause, as it appeared to him, had a tendency to alter the colour of the whole bill, and therefore he felt himself bound to oppose it.

Earl STANHOPE defended the clause, and pointed out the hardships under which the proprietors in our funds living abroad would labour. They would have no action against their agents here, if they sent a bill of exchange which was not honoured, nor was he sure that if these agents acted truly to their trust,

they might not incur the penalties of high treason, as defined by the present bill. He again intreated their Lordships to reflect on the sacredness of public faith before they agreed to reject this clause, and the dreadful situation in which they would place the proprietor of funds living abroad, by leaving him entirely without any remedy against malversation of his own agent, for the agent's right to receive the money, and refusal to transmit it ; this reminded him of the case of a man who complained of being starving in prison, and when told that his agent had received money for his use, replied, that was very true, but that he should never be the better for that while there were iron bars between him and that agent.

The Earl of LAUDERDALE said, that the answer given by the noble Lord to the noble Earl who had proposed the clause in question, appeared to him to be wholly inadequate.— His Lordship maintained, that all the capital laid out in our funds by foreigners, was much to our advantage, and that therefore we ought to give that practice all the encouragement in our power. The bill now before the House, without such a clause as that now proposed, would tend to defeat that object. Indeed foreigners would be deceived in the ideas they had hitherto entertained of the character of the British Parliament, if this clause was rejected ; for they had always thought this country would observe the strictest faith with regard to the payment of all debts due to them. How was this to be verified, if some measure of a nature similar to the present clause was not adopted. The medium of bills of exchange would appear to be very inadequate, when it was considered that all commerce between the two countries was to be at an end. His Lordship said, that the preventing any subject of this country from purchasing lands in France, was very unjust, and, in his opinion, quite unnecessary ; but if the payment to foreigners, of any of their property in the funds, was retarded, or in any degree obstructed, we should shake the security which foreigners all thought they had for the regular payment of their demands upon us. He warned their Lordships of the danger which might follow, if care was not taken to provide against these evils.

Lord HAWKESBURY contended that this bill did not go as far as many others which had passed in cases of less emergency than the present.

The question being put, the clause was rejected.

On the question, That this bill do now pass,

The Earl of GUILDFORD said, that although the present bill had undergone many important amendments, yet it still contained too much of its original and objectionable matter for him to assent to its passing, without stating his objections. His Lordship observed, that words of themselves had never by law been deemed treason, and yet by one of the provisions of this bill, an agreement in words only was declared to be treason; he requested their Lordships to reflect upon the inconsistency of making that an act of treason, which would not amount to a common agreement in any Court in Westminster Hall. There was another observation which he could not help making, and which arose, in his mind, from a speech which he heard from the Woolfack in the course of a former debate on this bill. That noble and learned Lord had said, that notwithstanding all the provisions of the present bill, there still remained treasons under the act of the 25th of Edward III.— Having no doubt of the legality of that opinion, he felt himself bound to observe, that the lives of the subjects were put in great danger by this bill; for a man of an ordinary understanding would naturally take it for granted, that if a bill passed, specifying certain acts to be treason, all things not included in that bill were not treason; for this reason, he should think it would be proper to insert a clause, stating, that no man should be convicted of treason on any law except the present bill; indeed, he had seen nothing in the situation of this country that called for any alteration of the law of treason; but if there was to be any alteration, it should be such as every man liable to fall a victim to it might understand. His Lordship added other observations, and said, that the bill, in its present form, must have his negative.

Lord ABINGDON said, in order that he might not give a silent vote upon this bill, he rose to say that it had his most hearty concurrence; as this or any other measure whatever would have that could prevent, or had even a tendency to prevent, the importation and propagation of French principles into this country. His Lordship said he was born and bred, as his ancestors before him were, an Antigallican; that he had lived to be confirmed in these principles, to find that they were

not falsely implanted in his mind, and to know, from experience, that the old philosophy was better than the new. He had been taught to consider France not only as the natural enemy of this country, but of all the world. Universal dominion had ever been her aim. She tried it under a monarchical, she is now trying the same thing under a republican, form of government. What she attempted under Louis XIV. she is now aiming at under Citizen *Egalité*; the governments are different, but the object is the same. He had learnt too that French liberty would be English slavery; and therefore he was not one of those that much wished for French freedom; for although a Christian, he was not so good a one as to love his neighbour better than himself. I have, thank God, said his Lordship, enough of that Roman *amor patriæ* in my bosom, to prefer my own to any other country, and thus to say with Pope;

“ Friends, parents, neighbours, first we do embrace,
“ Our country next, and then all human race.”

The Marquis of LANSDOWNE said, that disapproving entirely the principles of the bill, he did not think it right to make himself responsible for the wording or alteration of any particular clause. Thinking, as he did, of the bill, he was not surprised to see it require amendment upon amendment, and what was unusual, up to the very moment of its being passed into a law. It increased his apprehension not a little of the consequences, to see a bill that might draw down the highest vengeance of the State upon such a number of persons who might, through causes very inadequate, incur the highest punishment known to the law for crimes of a very inferior nature. He conceived the crime of high treason to be a designation which the law originally made to belong to the safety of the person of the King, as the head of the Constitution, whose preservation was the great bond of political society, and the only safeguard against blood and confusion.

That with this view the *voluntas pro facto*, in case of the *Crown only*, was just. That misprision of treason, however liable to abuse, was equally to be admitted; but the same policy which made this legal and constitutional to preserve the person of the King, to preserve his liberty, his entire freedom

of person, and his exemption from all matter of restraint, made it bad policy to extend it. Such had it been considered for a length of time, that to this day the husband of a Queen Regent was not deemed to come within the act of Edward III. That applying high treason in the present case was *absurd, degrading, and fruitless*. That the experience of all *ages, countries, and writers*, prove that punishment out of measure was sure to produce impunity. The relaxation of laws always arise from the excess, not the moderation, of punishment. The shameful state of our present criminal law confirms it. Ask the Judges; ask the Bar; ask the Magistrates; ask the Police? Besides, it degraded the King to put the safety of his life upon the footing of the lowest offences; and that there could not be a more mischievous principle than that which tended to diminish the reverence which subjects habitually had for the sovereign. What could be so absurd as to put the sending *a pair of old boots to France* upon a footing with the safety of the King, or the payment of a taylor's bill with encompassing the death of the sovereign? Besides, it must be fruitless. Ask twenty of the most eminent merchants in London, whether they are not perfectly sure that there will not be wanting those who will venture upon the export of any of these articles, from which a commercial profit may be drawn, even in the very teeth of this law? Ask the India Company, depots as they are, both out and in, whether they have been able to prevent the exportation of warlike stores to the country powers, even through the medium of your own shipping? They will tell you the famous answer made to one of their Chairmen, now dead and gone. The Chairman says, "Mr. Such-a-one, how much did you gain by the warlike stores you sent to such a nabob?" The criminal answers, "Not by ten per cent. so much as you made by the cannon sent to such a nabob." But do Ministers consider how mankind would bear the sight of a poor man who might be convicted of sending, through motives of humanity, or what is, perhaps, more likely, might have become, through motives of want, the instrument of some merchant, who, for the sake of commercial profit, might send a cargo of flour from five to twenty leagues across the Channel, dragged through the streets on a sledge, the executioner with him, to the place of his punishment,

banged, cut down while alive, his entrails cut out and thrown into the fire before him, and his body then to be cut into four quarters, which is the punishment of high treason ; and to this time peculiarly reserved as the utmost punishment, to uphold the reverence due to the *head of the constitution*. But it has been affirmed, that every thing contained in this act comes within the act of Edward III. That so far as the judgement of a plain man goes, he does not think so ; and if so, they are liable to all the objections stated ; if they do not, let them be tried case by case. It is alledged that the act of Edw. III. is a cruel act. Search all the law books hitherto, *Judge Forster, Blackstone, Hale*, it is no where considered so. At any rate let us remain under the *cruelty* with which we have been content for so long a period ; and as to the principle that it would be right in Parliament from time to time to *refresh* men's memories, and to put them on their guard against incurring such punishments, he, for his part, desired no such refreshments from Parliament, or from Judges in Parliament. That he would rather trust the barrier erected by a *high, proud, independent, well-educated aristocracy* of former times, than the *ill-organised democracy* of the present day. That the general principle of multiplying laws was bad ; it added intricacy to a science which was already much too intricate. In cases of treason it was dreadful ; the idea was horrible of touching such fundamentals in moments of heat and violence like the present. That Judge Forster quotes the 8th of Edward IV. when the two Houses desired that sacrilege might be made high treason, and that those convicted might be burnt. To which the King answered, much to his honour, “ *Le Roi avise !* ”

The people may now call out in favour of war as they did in Edward IV.'s time in behalf of sacrilege ; and it may be said that war, according to Grotius, Puffendorf, Vattel, &c. that every thing is justified which can hasten the war to a conclusion. But ask the Grotius of the present day ; ask Archdeacon Paley. [Here his Lordship read an extract from Paley] But Grotius himself, had he lived in these times, would have thought differently ; humanity has made a great progress since his time ; it appears slow to him that watches it, but events make it certain. Our treaty with Russia, giving over

the King of Prussia's dominions to pillage in 1755, in part of payment of subsidy, would not at this day be endured. That we had, to be sure, made a war of pillage upon Holland; but it was execrated then, and still more since, and we deserved the consequence, which is, to be now obliged to defend that power to whom we first gave the death's wound. That the late King of Prussia had set a noble example in his treaty with America, though the prospect of the neutral code was before him, he did not scruple to reject it in favour of humanity. America, though better situated than any country under the sun for privateering, made the proposition not only to Prussia, but to all Europe, of abolishing the infamous mode of privateering, that, in fact, it was only encouraging merchant to rob merchant. That the honest society of Quakers produced an example of one of their Members whose conscience repugned at such robbery, and had advertised with a view to restore such unlawful gain. That a great part of Scotland had the same feelings—That property by sea, as well as land, ought to be free from military as well as civil robbers.

The Duke of LEEDS defended the principle of the bill, as he thought it founded on urgent necessity. The war in which we were engaged was different from all other wars, and he freely confessed it was just and unavoidable on our part; and he thought that Administration had just claim to all that support from that House, and the approbation of the public, from the manner they had conducted public affairs in that respect. The noble Duke said, he could not see what mischief could arise from the present bill, as it only went to prohibit the subjects of this country from lending any assistance to the French during the continuance of the present war. He took notice of several of the observations of the noble Marquis who had just preceded him in debate, and differed from him in most of them. He declined following him to Ireland or America, but thought that Administration were justified in the steps they took to put the people of this country upon their guard, for in his opinion the alarm was justified by the circumstances of the country, for there were many who professed to admire the sentiments of the French, sentiments that were at war with all principles of honour, justice, humanity, and religion.

Lord GRENVILLE complimented the noble Duke for the part he had taken upon this subject. He entered into the whole of the bill, expressed great satisfaction at our recent successes, and observed that the circumstances in which we now stood, was a matter of exultation to this country. He maintained the strong necessity of the bill, for that the spirit which the vigour of Administration had silenced, still lurked in this country, and that the discontented only wished for an opportunity of availing themselves of the murmurs that might follow some disaster which they wished might happen to our arms ; were such an event to happen, we should soon hear these persons again, and therefore it became Parliament to be vigilant. After various observations on the arguments of the noble Marquis, and the nature of the war in which we were engaged, he said, for the preservation of our constitution his Lordship concluded with assenting to the bill.

The Marquis of LANSDOWNE, in reply to Lord Grenville, said, that he did not wish, as his Lordship asserted, to substitute his own interpretation for that of the Judges. He wished to leave every interpretation to the Judges in Westminster Hall, and not to the Judges in Parliament. That in Westminster Hall Judges were in their natural sphere, and that he neither doubted their competency nor integrity after hearing counsel on both sides, and in the presence of twelve honest impartial men. Lord Grenville had reproached him with examining law books, not acts of Parliament, about treason ; that he had examined them, and what was the consequence ? In Richard II.'s time, the Legislature was extremely liberal of declaring treasons ; the King was deposed and murdered. The first act of his successor runs thus : *“Whereas no man knew how to behave himself, to do, speak, or say, for doubts of such pains of treason.”* From Henry IV. to Queen Mary the spirit revived, and so many new treasons invented in consequence, that the first Philip and Mary entirely abrogated, what Judge Blackstone calls the new-fangled treasons, that had taken place in the interim. From that time to this, new treasons were confined to three descriptions : Papists, (which was happily done away by the liberal spirit of the times;) the Hanover Succession, (the same;) and Coin, which has proved an example of their insufficiency. That

treasons were now taking a new flight under the auspices of the present ministry, but that he hoped, for the honour of the present reign, the people of England would not have to wait for another to see their abrogation.

The Earl of GUILDFORD said, the spirit of the country was so completely awake, and attachment to the constitution so strong, as to defeat all the attempts of domestic enemies, if any such there were. The existing laws were sufficient for every purpose avowed as the object of the bill, and therefore it was that he opposed enacting a new code of treason.

The Earl of LAUDERDALE said, that whenever any noble Lord thought proper to boast of the situation into which the country had been put by the war, he should think it his duty to call their Lordships' attention to all the circumstances of that situation, and the situation in which the country might have been, had a different line of conduct been pursued. Ministers ought to recollect, that over-eagerness in aiming a blow at an enemy, might not only prevent the blow from taking effect, but be the cause of mischief to ourselves. The bill, which he was not to be called the enemy of his country for opposing, was not only objectionable in its general principle, but in the detail of its clauses. The making a mere verbal agreement to supply any of the prohibited articles treason, although no act should follow the agreement, was, he believed, new in the laws of treason. If any part of the French territories should be conquered and occupied by us or our allies during the war, all commerce with such part would be prohibited, except by licence from His Majesty's Ministers; which was in fact vesting them with a new discretionary power. Their exercise of the discretionary powers, vested in them by the Alien bill, shewed the impropriety of granting such powers. Persons subject to the regulations of that bill were suffered to be present at their Lordships' debates, only in order to calumniate their Members; while others were sent out of the country for causes which it would be ludicrous to state. The clause for prohibiting the purchase of lands in France was at variance with the principle; for while the professed object was to prevent France from raising supplies on lands declared to be public property, it prohibited buying lands the

property of private persons, and this too at a time when nothing short of absolute folly could induce the subjects of this country to lay out their money in the purchase of national property in France. The new clause, attaching corruption of blood to the penalties of the bill, he conceived to be an infringement of the law of entail in Scotland, as sanctioned by a supplementary statute to the Act of Union. He should be sorry if, in any war, the country had not better means of defence than any that the bill could afford. But in what was the present war more dangerous than former wars? Was France, with Austria, Prussia, and Spain, leagued against her, more formidable than when she combated with Spain, Holland, and America, on her side? When noble Lords exulted in the consequences of the war, he must say that he had seen those consequences in a melancholy list of more than 400 bankrupts. When they talked of the situation in which this country now stood, he must desire them to recollect what might have been its situation if, instead of engaging as principals in the war, we had, now that the French were driven back into their own territories, reserved our force to interpose for the restoration of general peace. It did not appear that our exertions had contributed to make the French abandon their conquests. Highly as he thought of the illustrious personage sent to command our few troops on the Continent, and confident as he was in the valour and the vigour of those troops whenever they should be brought into action, he could not suppose that 1900 men had saved Holland, or driven the French from the Austrian Netherlands.

The LORD CHANCELLOR said, there was nothing in the bill which made words spoken treason. If a man entered into an agreement to supply the enemy, it was not the words, but the act, which was treason, and that was treason as the law before stood. With respect to intercourse with any part of France that might be held as conquest during the war, the bill made no difference, for no such intercourse was allowable by former wars, but by permission of the Crown. The clause for preventing the purchase of lands in France would have been nugatory, if it had not extended to private as well as public property; for an individual might have bought confiscated lands, sold them as private property to a British subject,

and paid the money he so received into the French treasury, just as if he had been a mere agent for collecting it. On the measures that had been adopted, he conceived that the public opinion was already pronounced, and he was not apprehensive of a change. The clause attaching corruption of blood to the penalties of the bill, made no alteration in the laws of treason, as they before extended to Scotland. What would have been the state of the country if a different, which, he supposed, meant an opposite, line of conduct, had been pursued, was matter of speculation. What it actually was, their Lordships knew. If an ambassador had been sent to Paris to negociate for peace, was it quite clear that the internal peace of this country would have been maintained? Was it quite certain that those deputations of fraternity to the French Convention would have ceased—that the same general spirit of loyalty would have been called forth—that those clubs, whose numbers had been boasted of so much, should have shrunk from their purpose, and disappeared—that the projected conquest of Holland would have been abandoned, and a stop put to that systematic attack on the government, the religion, and the morals of every country? The few troops sent out under the able command of an exalted personage, in the noble Lord's opinion, could not have contributed much to the driving the French from their conquests. He thought very differently. To the sending out of those troops, and to the promptitude with which the measure was carried into execution, was it, in his opinion, to be ascribed as the immediate cause that Holland was saved; that the French were defeated and driven back; that all Europe, from Petersburgh to Naples, was delivered from the plunder, the confiscation, the rapine, the murder, the destruction of order, morality, and religion, with which it was threatened by the prevalence of French arms and French principles. But although the first danger was passed, there was still abundant reason why we and the allies with whom we were engaged in the benevolent design of fixing government on the basis of morality, of religion, and of property, should not cease to be on our guard to prevent its return.

The Earl of LAUDERDALE said, he never meant to contend what was the law with respect to a contract, but sim-

ply that a verbal agreement to supply the enemy, unless acted upon, was not treason as the law stood before.

The question was put and the House divided;

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Adjourned.

Monday, 29th April.

In a Committee of Privileges on the Scotch Peerage election, resolved, on the motion of the Lord Chancellor, that the votes given by the Earl of Moray, at the said election, were good.—Adjourned.

Tuesday, 30th April.

The Royal assent was given by commission to thirty-two public and eighteen private bills. The commissioners were, the Lord Chancellor, the Archbishop of Canterbury, and Lord Grenville.

The order of the day being read for the second reading of the Dudley-Canal bill,

Lord PORCHESTER objected, in strong terms, to the injustice of obliging any of the proprietors of the old Dudley-Canal Navigation, against their will and without their consent, to embark as adventurers in the newly-projected canal, authorised to be carried on under the present act. His Lordship insisted, that the majority of the old Company could not possibly bind the minority, except by such acts as came within the purview of their original charter or act, by which they were constituted as a corporation; and that the majority (if such they could be deemed) of the old Dudley-Canal Navigation, who had brought forward the present bill, must have an equal right to oblige the dissentient proprietors to engage in any other undertaking or enterprise whatever, as become adventurers in the proposed canal, which had no connection whatever with the object of their original establishment as a corporation. His Lordship did not dispute the justice and propriety of the general principle, that private individuals ought to be obliged to part with their property, for the pur-

pose of an evident public benefit; but this ought never to be done, unless when the sacrifice of the private property is indispensably necessary to the carrying on the public work, from which that benefit is to be derived. If this rule were once to be deviated from, there could be no security for private property; and, in this view, he conceived the principle of the present bill to be in the highest degree dangerous. His Lordship concluded with moving, that a question should be put to the Judges, whether the majority, in such a case as the present, could have a right to bind the minority? When their Lordships should be informed, from such high authority, how the law stood, they would then have to determine what, in this particular instance, it was right for them to do in their legislative capacity.

The Earl of COVENTRY spoke in favour of the bill, and mentioned an instance, with respect to Worcester, where a number of proprietors would be obliged to part with their houses, much against their will, for the purpose of widening, beautifying, and improving the entry into the town.

Lord PORCHESTER replied, that the case mentioned by the noble Lord was very different from the present, for there the public work could not, by any possibility, be carried on without the sacrifice of the private property; for which, however, full indemnification ought to be given.

Lord BAGOT spoke against the bill, and in favour of the motion.

The LORD CHANCELLOR said a few words with respect to the proper form of the question proposed to be put to the Judges; after which the House divided;

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The bill was then ordered to be committed on Thursday next.—Adjourned.

Wednesday, 1st May.

The Earl of LAUDERDALE said, that he held in his hand a petition of appeal to their Lordships, from a judgement of the Court of Justiciary in Scotland. His Lordship admitted,

that in several instances, since the Union, where petitions of appeal had been presented to that House, from judgements of the Court of Justiciary, in capital cases, particularly in the case of Mungo Campbell, and in that of Murdieson and Miller, these petitions had been referred to Committees; and, upon the report of the Committees, the House had found that they were not properly brought. He thought it proper, however, to state to the House, that, supposing the matter were now to be taken up, as it stood at the time of the Union, it seemed clear that such appeal did lay; and that appeals from the Court of Justiciary rested almost exactly on the same footing with appeals from the Court of Session, which had been uniformly entertained and judged of by that House: even with respect to appeals in capital cases, he should be apt to doubt, whether it ought to be considered as finally decided that no appeal lay, so as to put the matter perfectly at rest: in a case, indeed, which came before that House in 1781, viz. the case of James Bywater, convicted of a capital offence, and sentenced by the Court of Justiciary to be executed, it had undoubtedly been solemnly determined that no appeal lay; and a very able and learned speech was delivered on that occasion, by a noble Lord (Earl Mansfield,) who, to the general regret of the country, was now no more: but, though every thing which had come from that quarter must justly be considered of great weight, yet the noble Lord seemed, in that case, to have proceeded in a great measure, on what he apprehended to have been a misapprehension, in supposing it to have been clear established law, that an appeal lay from the Court of Session to the Parliament of Scotland prior to the Union, and to have been equally clear that no such appeal lay from the Court of Justiciary; and if he were not afraid of encroaching on their Lordships' time too much, he was confident he could have no difficulty in satisfying their Lordships, both from acts of Parliament and law books in Scotland, that, were the matter to be taken up now upon the footing on which it stood immediately after the Union, there could hardly be a doubt that an appeal would lie to that House, even in a capital case; and it was certainly of much importance to the country that it should do so. But, whatever weight their Lordships might have been inclined to allow to the judgements which he admitted had been

repeatedly given in capital cases, had the present been a case of that nature ; yet, he would submit it to their Lordships, that, being only the case of a misdemeanor, it stood upon a very different footing ; for, in the only two cases of misdemeanors, where petitions of appeal had been presented against judgements of the Court of Justiciary, viz. in the case of Elgin in 1713, and in the case of Mackintosh and Demoster in 1768, the petitions had in fact been entertained and determined upon by that House ; in the first of these cases, the judgement of the Court of Justiciary was reversed, and, in the other, the petition was referred to a Committee, and upon the report of that Committee, which was agreed to by the House, a direction was given to the Court of Justiciary, in the same way as is frequently done in appeals from the Court of Session. His Lordship said that this was a matter of very great importance to the whole people of Scotland ; and that he hoped their Lordships would agree with him in thinking, that it ought to be fully argued and discussed, and finally settled and set at rest one way or another, which was surely a matter highly proper and necessary ; he would therefore conclude with moving, that the petition should be referred to a Committee to consider, and report to the House, whether it ought to be entertained. The petition was then read by the clerk, purporting to be the petition and appeal of James Robertson, Bookseller and Printer in Edinburgh ; and of Walter Berry, Bookseller there ; and stating that they, having been brought to trial before the Court of Justiciary at Edinburgh, on an indictment, at the instance of His Majesty's Advocate, for feloniously printing and publishing a certain seditious book or pamphlet, &c. the Court had found the libel relevant to infer the pains of law ; that the Jury had returned a verdict ; whereby they found it proved that the said James Robertson did print and publish, and that the said Walter Berry did publish only the pamphlet libelled on ; and the petitioners having insisted that no judgement could pass upon the verdict, and that they were intitled to be acquitted and dismissed from the bar, the Court of Justiciary had repelled the objection made by them in arrest of judgement, and had adjudged the one of them to be imprisoned for the space of six months, and the other was doomed to the same punishment for three months, &c. The petition went on to state,

that they conceived themselves to be thereby aggrieved, and appealed to their Lordships for redress, &c. After the petition had been read,

Lord CATHCART rose and suggested to the noble Earl (Lauderdale) the propriety of altering his motion, and simply to move, that the petition should be upon the table, in order that the noble Lords might have an opportunity of considering it, as it was certainly a matter of great importance, and that a future day might be fixed to take into consideration whether it ought to be referred to a Committee. He thought it right too, that no such material step as that should be taken in the absence of his noble relation (Earl Mansfield,) who, as Lord Justice General of Scotland, was at the head of the Court of Justiciary.

Lord THURLOW was of opinion, that the judgements of that House in the two cases in 1713 and 1768, alluded to by the noble Earl who moved the petition, did by no means go the length of being precedents of that House having entertained petitions of appeal from the Court of Justiciary in cases of misdemeanor; but neither did they go to shew any opinion of their Lordships appearing upon the record, that the petitions ought not to be entertained; though there had been various judgements to that effect with regard to capital cases, and he confessed he could see no room for a distinction, in this respect, betwixt the case of a capital offence and of a misdemeanor; so much so, that he was persuaded their Lordships must, on consideration, be completely satisfied that an appeal could not possibly lyē in the one case and not in the other. He said, it seemed a matter of regret on account of the subjects in Scotland, that no appeal should lie to that House from the Supreme Criminal Court there, in the same way as a writ of error lies in some shape or other from the Criminal Courts in England; at the same time, from the forms of the law of Scotland, he saw very great difficulties with which it would be attended in impeding the course of criminal justice, which were provided against by the regulations which took place in the law of England. If, however, other noble Lords should join him in opinion, he said, he would have no objection to agree to the motion of the noble Earl (Lauderdale) for referring this petition to a Committee, in order that, if any doubt or difficulty remain-

ed, the matter might be argued by Counsel, fully discussed, and finally settled, by a solemn determination, which was certainly very desirable.

The LORD CHANCELLOR left the Woolfack, and said, that although he was clearly of opinion that no appeal lay, and did not suppose he should be inclined to alter that opinion, yet he would not object to the petition being referred to a Committee; because, if any doubt remained as to the case of misdemeanors, it would certainly be right that the matter should be finally settled, and clearly and distinctly understood as soon as possible.

The motion made by Lord Lauderdale was then put and carried; and notice was ordered to be given to the Lord Advocate; and the petitioners allowed to be heard by Counsel in support of the petition.—Adjourned.

Thursday, 2d May.

The Traitorous Correspondence bill was brought up from the House of Commons, and the amendments made by the Commons were agreed to—Adjourned.

Monday, 6th May.

In a Committee on the “act for amending the law of imprisonment on Mesne Process, &c.” the first clause being read, that “no person shall be held to special bail upon any process issuing out of any superior or inferior Court where the cause of action shall not amount to the sum of 20l. or upwards,” &c.

Lord THURLOW expressed great doubt of the policy of this clause, and was apprehensive that it would by no means answer the benevolent purpose which the noble Lord (Rawdon) had in view, who with so much labour, ability, and perseverance, promoted the present bill. He was well assured that his Lordship was convinced that some excessive hardships attended the present mode of arrest; and he gave him credit for being urged by the most laudable motives, or he would not have introduced so important an innovation into the principle and practice of the law of England. This subject had been well considered in the reign of George the First, and the Legislature at that time, after much deliberation upon the state of the commerce and manufactures, as well as the credit of

the country, had wisely fixed the limit of arrests at ten pounds. He did not see from the bill itself, or from any thing that had been urged in the several discussions that had taken place upon it, any reason to extend the limitation to 20l. It was well known that there are too many instances of those who refuse to pay their just debts until they are coerced, and if they were proceeded against by a process that does not require bail, they would only abuse the delay of the law to squander their property, and defraud their creditors of their just debts. It is of the utmost consequence in a commercial country like this, to which credit is absolutely necessary, and by which it has been raised to an unexampled degree of opulence, that a reasonable prospect should be held out to those who trust, that they shall in due time obtain their money from those to whom they give credit. He was fully persuaded that the check of imprisonment was necessary to restrain unprincipled adventurers from incurring debts which they had not the intention nor the means of discharging, and therefore he doubted very much whether the present clause, if it were enacted into a law, would not be injurious in a very high degree to the people of this country.

Lord RAWDON assured their Lordships, that he should not have obtruded himself so often upon their notice, if he had not been convinced that something was indispensably necessary to be done for the relief of unfortunate debtors. The hardships which they laboured under, and the oppressions to which they were daily exposed, called upon their justice and humanity to interfere in their behalf. He had received information from various quarters, which he could rely upon; and he knew of his own knowledge, for, with gentlemen of his own profession he was well acquainted, that there were many of the most deserving, but unfortunate men, who suffered under the rigour of the law as it now stood, and were the prey of unrelenting creditors, and hungry lawyers. There might be some unprincipled men upon whom the Caption might have a proper effect, but there was an infinitely greater number to whom it was sure ruin. He had made the most diligent inquiry of those who had it in their power to give him the best information, particularly Mr. Burchel and Mr. Crowder, the Secondary and Under Sheriff of Middlesex, who assured him that not one action in five was settled in the first instance upon the arrest.

The effect, therefore, which it was supposed to have of compelling the payment of the money was unfounded. It produced consequences highly injurious, not only to the debtor but to the creditor also. It tore the former from all his comforts, and deprived him of the means of obtaining that assistance which would enable him by the forbearance of the latter to discharge his debts. By the 12 Geo. I. frivolous and vexatious arrests were in some degree prevented, by restraining them to sums not less than 10*l.* and if the state of the country, its increased wealth, and the value of money in the present day, were to be compared with those of that period—Arrests under 20*l.* now, will appear to be as frivolous and vexatious as those under 10*l.* at that time. Any argument founded upon innovation, his Lordship said, could have no weight with him, as it might have been applied to the act which he had just mentioned, as well as to all explanations, declarations, and amendments of the law whatever.

The LORD CHANCELLOR complimented his Lordship upon the zeal and indefatigable pains he had been at to collect necessary information upon the subject, and he had no doubt of the veracity of those gentlemen whom he had consulted; but he was persuaded that his Lordship either had directed his inquiries without sufficient accuracy, or had drawn conclusions which were not warranted by the answers of the gentlemen who had been mentioned. They might very truly say, that not one in five actions brought had been settled in the first instance, that is, immediately upon the action; but they had not said, for they had not the means of information, that not one in five had been settled before a declaration was delivered. He spoke from the knowledge which he had derived from his situation in a Court of Law, as well as from the information of the Officers of the Common Pleas, that eleven-twelfths of the actions brought did not proceed to the length of the declaration being delivered; the debt was either immediately paid or compromised, or security taken for it, or else it was discharged before the time that the plaintiff was entitled to deliver his declaration; he therefore recommended that this clause should be postponed, to be farther considered, which Lord Rawdon agreed to.

The next clause, which authorises the defendant to deposit in the hands of the Bailiff or Sheriff the sum for which he shall be arrested, with an additional sum proportioned to the extent of the cause of action, in order to his being liberated, was objected to by Lord Thurlow and the Lord Chancellor. They observed, that few bailiffs were in a situation to be responsible for the sums of money that they would be required to receive under this clause; and although the Sheriff takes security for every trust which he is obliged to repose in them, were this part of the bill to pass, he never would be able to find bailiffs that could give him security adequate to the immense sums that might be deposited with them. Perhaps something of this nature might be enacted with propriety, if the money were to be immediately paid into Court, to be placed in the custody of known and responsible officers.

The clause was rejected.

The sixth clause, respecting Lock-up Houses, was given up by Lord Rawdon.

The seventh clause, which obliges the creditor to swear, within eight days after the debtor shall have surrendered his goods, that such surrender was fallacious, being read, the Lord Chancellor, Lord Thurlow, and Lord Kenyon opposed it very vigorously, as tending to change the whole fabric of the law of England. It was laying such a burden on the creditor as he ought not to sustain, and tended to deprive him of all the security which the law gave him for his debt. How could he take upon him to question the account, which a debtor gave of his circumstances, without having time to make the discovery?

After a very long argument, the question was negatived.

The farther consideration of the bill was then adjourned to Thursday next.

Tuesday, 7th May.

The House of Commons being sent for, and the Speaker attending, the Vote of Credit and Traitorous Correspondence bills, with several private bills, were passed, by commission, in the usual forms.

The Duke of NORFOLK moved for the first reading of the Roman Catholic bill, and stated, that it was his intention

to propose, in the course of the bill, that the same allowance be made to persons of that persuasion, as had recently been done in a sister-kingdom.

Upon Lord CATHCART's moving that the Liverpool Note bill be read a second time,

Lord LAUDERDALE stated several objections to it, particularly as it went to enable the Corporation to apply the money vested in them for other purposes than was originally intended; he indeed thought their Lordships could not countenance it, unless some one of its patronizers should get up and point out the advantages that were expected to accrue from it.

The bill was then read a second time.

Upon the order of the day being read for summoning the House,

Lord LAUDERDALE rose to inquire to what that order might be, hoping it did not allude to the second reading of the Commercial Credit bill, of which printed copies had scarcely been an instant laid upon the table. For the sake of what the Public at large might think of the proceedings of that House, he trusted Ministers would not persevere in such an indecent attempt. He remembered, upon a former occasion, when a similar proposition, on a much less important subject, had been successfully opposed by the noble and learned Lord who sat on the wool-sack, who had then emphatically expressed himself, that it was highly improper to be called upon to decide upon a bill, which was still wet in their hands.

Lord CATHCART called the noble Lord to order, upon the double ground of its being disorderly to allude to words spoken on a former debate, and also to be referring to a motion which was not before the House.

Lord LAUDERDALE denied being out of order, at least in the second instance, since his arguments were founded on what he had a right to suppose would follow the order which had been read by the clerk; nor did it appear that he was considered as disorderly, until they were struck with the force of his allusions.

Lord GRENVILLE felt not the smallest inconveniency from the speech of the noble Lord, although he certainly

must consider any opposition to a motion to be disorderly, being made before the motion was before the House. He certainly did mean to move for the bill to be read a second time; and that, from a thorough conviction that the relief it was intended to apply, was absolutely necessary to be given without delay. He considered it most undoubtedly as a measure of the highest importance, as possibly the whole commercial credit of the kingdom depended upon something being instantaneously adopted in their favour.

His Lordship then went into a detail of the credit necessarily arising in a commercial country, from the medium which was requisite between the goods and specie, the latter of which bore a very small proportion to the medium paper currency; this led him to the present stagnation in the commercial part of the community, which he attributed to the spirit of enterprise and speculation, which induced so many to go beyond the capital they possessed. If the mischiefs and inconveniences of those failures had been confined to those who had thus speculated, he should not have been an advocate for the public interference; for in such cases he was ready to admit the merchants or manufacturers of that description ought to suffer; but as the difficulties and evils would extend to such an amazing degree, he thought the Legislature was called upon to extend some relief, and it was necessary to be done with all possible dispatch; and therefore it was, that to give this relief without any delay, he was induced to move that this bill be read a second time.

The Duke of NORFOLK thought the evil had, in a great measure, arisen from the countenance given by Government to the paper in circulation. Offices had been set up in almost every town in the kingdom; some, he believed, by men of property, others with little, and others with scarcely any. He conceived this evil must have been known to Ministers, and their not checking it, was an evident proof to him that, whatever splendid abilities the right honourable gentleman possessed who was at the head of our finances, he was unequal to the situation he held. Since the noble Secretary of State moved for the second reading, he wished to know when he meant to move for the Committee?

Lord GRENVILLE said, it was his intention to propose that the Committee should be negatived, and that the bill should be read a third time to-morrow.

Lord RAWDON went much at length into the cause of the stagnation of credit in the commercial world, which, he contended, arose principally from the extensive circulation of Exchequer bills, which Administration had continued to keep afloat ; these the Bank had preferred discounting to merchants' bills. In the last session he had occasion to call the attention of the House to the unfunded state of the public debt, and to the magnitude of that debt he attributed the present failures, with other concomitant circumstances, as the paper currency. The Bank, he observed, had originally been intended to aid the public credit, and the Bank, he thought, should apply relief in the present circumstances. The bill, he was apprehensive, would do injury ; instead of relieving, it would add to the magnitude of the distress.

Lord HAWKESBURY observed, that in former times it had been the practice to keep Exchequer bills afloat in time of peace, and that such a measure could not be attended with the smallest degree of injury ; that the spirit of enterprise (which he was ready to admit had been carried on to an improper extent by those who had not property to answer the demands) had extended the exportation of this country more than six millions annually. He defended the propriety, from the necessity of dispatch, of reading the bill a third time, without going into a Committee on it.

Lord LAUDERDALE again rose ; he admitted, that in some measure the present distress derived its source from the spirit of Banking, and the great extent of paper currency, which, to a certain degree, was necessary to the prosperity of commerce ; the bill, he insisted, carried on the face of it, principles calculated to undermine the interests of it. If such a measure was to be adopted, he wished the extent of the proposed relief had not been so limited, and that Government would make the advance on the same terms that any common broker would advance money. He objected to the demand of the first payment being made in so short a space as three months, as it could thereby afford little relief. He

wished that Government, instead of issuing fresh Exchequer bills, would take up some of those already issued, and enable the Bank to discount bills as usual ; but the best remedy that could be applied would be a speedy peace ; that was a measure which would restore public credit. Convince the people that we are not leagued with those despots abroad, who sought for the participation of kingdoms, but that we fight only to check the ambition of France, and that we do not participate in the views of Russia and Prussia, in the dismemberment of Poland. He blamed Ministers for plunging us into a war, which he insisted they might have averted, and ridiculed the idea of the French being the aggressors.

Lord KING disapproved of the bill, as he conceived, notwithstanding all that had fallen from the noble Lord with the red cape (Hawkesbury) that it was not calculated to answer the end proposed ; but, in severe terms, reprobated the mover for hastening it through the House.

Earl STANHOPE reprobated the bill in its principle ; and contended it was contrary to all order to push it through the House in the way proposed. He, in very severe terms, condemned the conduct of Government, and lamented that they had plunged us into a war with France. One of the principal Ministers in that country, he declared he was proud to say, he was intimate with, and bore honourable testimony to his many amiable qualities ; it was dreadful, he said, that this country should be leagued with a set of despots and murderers, and at war with a country with which she ought to be in eternal peace.

The Marquis of LANSDOWNE condemned the manner of hurrying a bill through the House of such high importance ; he also disapproved of the bill itself. The present situation of public credit was not new ; this country had been in similar situations, and no such extraordinary measure as the present was adopted ; the evil, by being left to itself, had found its own remedy without the interposition of Parliament. He reprobated the war, and said, that as the love of peace, like charity, covered a multitude of sins, he hoped the Minister would very speedily terminate the war. The conduct of Ministers, he said, reminded him of a Member of the House

of Commons whom he once knew, and who was so vain of his supposed abilities, that he used to stand at the door of the House, and would ask every one he saw, " Do you want any one to speak for you ? " So Ministers were casting about Europe for a long time in search of wars ; their language, like his friend the Member, was, " Do you want any body to fight for you ? England shall fight for you." Find out the most pettifogging Attorney, and he will not be found to have taken more pains to stir up a suit, than the present Government has, to stir up Holland and inflame all Europe.— He concluded by declaring, that he would not vote for or against it, but would leave this bill to add a greater load of guilt than ever stood on any Minister before.

Lord THURLOW opposed the bill, and particularly the idea of reading it a third time to-morrow.

The LORD CHANCELLOR replied, and defended the measure, as he said that a delay of twenty-four hours in passing the bill might be attended with very serious consequences.

The Duke of LEEDS and Lord MANSFIELD approved of the principle of the bill ; but did not like to violate the order and custom of the House, by reading the bill a third time, without its having gone into a Committee.

Lord CATHCART and the Duke of MONTROSE defended the propriety of hastening the bill.

The motion for the second reading was put, and passed without a division.

Lord GRENVILLE then rose and moved, that the bill be read a third time to-morrow, without its going into a Committee.

On this a division took place ;

For the motion, 58 ; Against it, 14. Majority, 44.

The House adjourned.

Wednesday, 8th May.

After receiving several bills from the Commons, and reading them, together with those on the table, their Lordships proceeded to the order of the day on the commercial credit bill.

Earl STANHOPE doubted whether they could dispense with the standing order of the House, which was against proceeding two stages in a bill on one day.

The Duke of NORFOLK stated, that among the alterations he should have proposed, had the bill been suffered to have gone into a Committee, was that of admitting the relief, if such it was, to be extended to those who might want one thousand pounds, instead of four, as it now stood; as many deserving people might be able to procure security for the former, though not for the latter.

Lord GRENVILLE was of opinion, that the statement of some specific sum was absolutely necessary, and he understood that that in the bill was judged the most proper by the Committee.

On the question being put, that the bill now pass,

Lord KING hoped, that if they negatived the Committee, they would not pass the bill without reading it.

His Lordship being answered, that it had been read, said, then he must beg pardon, for although he had paid very great attention, he had not even heard the preamble. The bill itself he condemned *in toto*—it was making His Majesty's Ministers become pawnbrokers, and would only serve a few speculating fellows in town, and at Edinburgh and Glasgow, who were watching for its being passed into a law.

The Duke of NORFOLK felt some consolation in the last clause, that allowed alterations to be made in it during the present session.

The question was then put, and the bill passed, without a division.

Soon after a message was sent to the Commons, requiring their attendance, when the Royal assent was given to the above bill, two Canal bills, and a Bridge bill.

The Commissioners were the Archbishop of Canterbury, the Lord Chancellor, and Lord Grenville.—Adjourned.

Thursday, 9th May.

In a Committee on the Debtor and Creditor bill, Lord Grantley in the chair, went through the whole of the clauses which relate to proceedings on mesne process; one or two clauses which had references to other clauses formerly reject-

ed, were also rejected; some others were reserved for future consideration, and some amendments were made on the clauses retained. After which the Chairman reported progress, and the Committee was ordered to sit again on Thursday next.

Adjourned.

Friday, 10th May.

The Royal assent was given, by commission, to the bill to authorise the corporation of Liverpool to issue negotiable notes to a limited amount for a limited time, and to several other bills.—Adjourned.

Monday, 13th May.

In a Committee of Privileges—Lord Cathcart in the chair,

The Earl of KINNOUL (Lord Hay) stated, that by a judgement of that House, in the year 1708-9, it had been determined that the Duke of Queenberry, having been created a Peer of Great Britain by patent, since the Union, by the title of Duke of Dover, had no right to vote at an election of the Peers of Scotland; and that, in the year 1787, the House had thought it proper, on mature deliberation, to pass a general resolution to the same purpose, and had ordered copies of that resolution to be transmitted to the Lord Clerk Register of Scotland and his Deputies, with directions to pay strict obedience thereto, in the returns to be made by them, of the elections of the Peers of Scotland. His Lordship said, that, standing himself in the situation of those Peers who were pointed at by the resolutions of the House, and conceiving that he was bound to pay obedience to its orders, he had not thought himself at liberty to vote at the last election of Scotch Peers; and, with the utmost personal respect towards two noble Lords, who, in the same situation, had tendered their votes, he considered their public conduct, in that respect, extremely reprehensible; and he should think it hard and unjust indeed, if they, by flying in the face of the resolutions of the House, should gain an advantage over him, who had paid strict obedience to these resolutions. His Lordship added, that whenever a proper opportunity should occur, of going into the general question, as to the justice and propriety of these resolutions, he would be ready to meet that question, but it appeared to him improper, at present, to

enter into any discussion, as to the general question ; because, while the resolutions are not rescinded, they must unquestionably be binding, and he would therefore conclude with moving, that the votes tendered at the last election of the Peers of Scotland, by the Duke of Queensberry and the Earl of Abercorn, who have been created Peers of Great Britain by patent, since the Union, having been attempted to be given in contradiction to the resolutions of that House in 1708-9 and in 1787, cannot be counted.

Lord GRENVILLE insisted, that in deciding matters respecting the elections of the sixteen Peers of Scotland, since the Union, their Lordships did not act in a judicative capacity, nor under the authority or regulation of any statute ; but that the sole and exclusive right of determining upon all matters respecting these elections, had necessarily devolved upon, and been exercised by, that House, in the same way, and for the same reason, that the House of Commons have the exclusive right of deciding with respect to the elections of their own Members. Reasoning, therefore, from analogy, he concluded, that no resolutions of that House, in matters regarding the elections of Scotch Peers, could be of any force, except to regulate the particular case to which they might apply ; for it was well known this had been the practice of the House of Commons, until an alteration had been made by act of Parliament. His Lordship also took notice of the different resolutions of the House relative to the subject which, he argued, were inconsistent with each ; and, after drawing a conclusion from these premises, that the Committee were, in no shape, tied up by the resolutions of the House, his Lordship proceeded to give his reasons, at much length, for being of opinion, that there was nothing either in the articles of Union, or in the subsequent act for regulating the mode of electing the sixteen Peers of Scotland, which justified the idea held out in these resolutions, that Peers of Scotland, created Peers of Great Britain by patent since the Union, have no right to vote at the elections of the Peers of Scotland. This, his Lordship said, was his firm persuasion, and which would determine his vote, if called upon immediately to give one, on the subject ; at the same time, in a matter of such importance, he would rather pre-

pose, that, before coming to a final decision, they should take the opinion of the learned Judges, who were the proper assistants of that House, when they wished for advice, not only in matters of a judicial nature, but even in matters of legislation. And he concluded with moving, as an amendment to the motion of Lord Kinnoul, to leave out all the words of the motion, after the word "that,"—for the purpose of moving, that a question be put to the Judges, whether, from the terms of the articles of Union, and subsequent acts relative to the election of the sixteen Peers of Scotland, such Peers of Scotland as have been created Peers of Great Britain by patent since the Union, have a right to vote at elections of Scotch Peers?

After some conversation betwixt the Lord Chancellor and Lord Grenville, it was agreed, that the amendment proposed by the latter should be postponed; and that, in the mean time, he should move the previous question on Lord Kinnoul's motion, it being understood, that in case the previous question should be carried, Lord Grenville should afterwards make his motion for a reference to the opinion of the Judges.

The Earl of MANSFIELD expressed his surprise and astonishment at some of the doctrines laid down by the noble Secretary of State. He argued, with great force and much animation, that the resolutions of the House must be binding on the Committee, which was only the creature of the House; that they must remain in force till rescinded; and that it would be unjust, in a very high degree indeed, to rescind them with a retrospect. His Lordship said, that the noble Secretary of State had given to the Scotch Peerage a strange kind of comfort, by telling them that they were to remain in a constant state of fluctuation and uncertainty. He said, he purposely avoided entering at all upon the general question, as he did not think that, in the present stage, it could come at all under the consideration of the Committee. His Lordship urged many other arguments, and concluded with giving his negative to the previous question moved by Lord Grenville.

The Earl of MORTON (Lord Douglas of Lochleven) conceived, that as a Peer of Scotland, he was intitled to a vote at the elections of Scotch Peers, as his birth-right,

which nothing less than an act of Parliament could deprive him of.

The LORD CHANCELLOR said, that he had long ago made up his mind upon the subject of the present discussion, upon the most mature and deliberate consideration of it. He was clearly of opinion that the Committee had no power to determine in opposition to the resolutions of the House; that it was much for the dignity of that House to be consistent in its resolutions, as it had ever been; and that all which had been urged by his noble friend, (Lord Grenville) as to the contradictory resolutions and decisions of the House of Commons, tended only to shew that that House had, in matters of elections, pursued a conduct which was disgraceful to themselves, and which called at last for the interposition of the Legislature to check it. His Lordship thought it by no means necessary to go into the merits of the general question, though he was decidedly of opinion that the resolutions of the House were well founded; he conceived it to be contrary to the spirit and intendment, as well as to the words of the articles of Union, that a Peer of Scotland, who should thereafter be created a Peer of Great Britain, should nevertheless continue to have a right to vote for the representatives of the Scotch Peerage; which right was given in lieu of the right of sitting personally in that House.—But in the case he had mentioned, the lesser right of sending representatives was swallowed up and absorbed in the greater right of sitting personally in the House. His Lordship stated many arguments in favour of this opinion; and said, that in 1708-9 this interpretation of the act of Union had been given by Lord Cowper, Lord Somers, and those other great men by whom the Union was settled. The judgement pronounced at that time was given, after the most deliberate discussion, upon the most mature consideration, and operated against the interest of the then prevailing party; so that, in every view, it carried with it the highest weight and authority. His Lordship made a great many observations on the subject, and concluded with repeating, that he was clearly of opinion that the Committee were bound by the resolutions of the House; and with stating several reasons, which induced him to think that it would be highly improper, in a

matter of pure privilege, such as this was, to put any question to the Judges, to which indeed, he did not see they could possibly give an answer.

Lord GRENVILLE, in reply to the Lord Chancellor, contended that the question was a fit question to be referred to the Judges, because it involved interpretation of law. If, by the act of Union, Scotch Peers called up to sit in the House as British Peers, were not meant to be precluded from voting at the election of Peers, to represent the Scotch Peerage, the resolution by which they were so precluded was a disqualification contrary to law. There was no inconsistency in supposing them to have the right of voting. The House consisted of two estates, Lords Spiritual and Temporal; yet it never was imagined that the same individual might not sit in both these capacities at the same time, both as a Spiritual and a Temporal Peer.

Lord CATHCART supported the opinion of the Lord Chancellor, and argued against the proposed question to the Judges.

The previous question on the Earl of Kinnoul's motion was put, and the Committee divided;

Contents, 27; Not contents, 26

The Earl of MANSFIELD lamented the manner in which the question had been carried, as an irreparable injury, if followed up, to the dignity and independence of the Scotch Peerage. He conjured their Lordships to reflect on the consequence of subverting their own decisions, more especially when those decisions had been in the most unexceptionable times, under the most unexceptionable circumstances, and were moreover of long standing. He did not conceive it possible that any Administration would have attempted to overturn such a decision, more especially with a retrospect. Their Lordships ought to consider that the Scotch Peerage had not their full complement of representatives in the House, an advantage which not only a body wishing to do justice, but even a generous enemy would disdain to take.

Lord GRENVILLE said, the motion which he had made was only in the nature of inquiry how the law stood, and

therefore it was unnecessary for him to enter into a discussion of the general question.

The Earl of LAUDERDALE said, he was too much exhausted to attempt doing that justice to the cause of those who had conferred upon him the highest honour of his life; but when the proper time came, he would make the best exertion in his power. The Peers of Scotland were a body formerly in possession of as high and important privileges as the aristocracy of any kingdom in Europe. At the Union they had made great personal sacrifices to the general good of the country; and from that period to this, such had been the respect or the indulgence of their Lordships, that they never had reason to regret the sacrifices they had made. He entered into an illustration of the former decisions on the same subject, and added, that if the House were to contradict their own orders, persons acting under their authority could have no certain rule for their conduct. Instead of thinking that obedience to their Lordships' orders was the best mode of securing their approbation, they might be led to think that what their Lordships ordered on one occasion, they would contradict on another; and that to anticipate their change of opinion and disobey their orders was the safest course. If the question should be carried, as he feared it would, he should propose an amendment, to put the Judges in possession of the former decisions of the House.

The Earl of MANSFIELD recommended withdrawing this amendment, as tending to embarrass the question, which he wished not to see carried in any shape. The amendment was withdrawn, and the Committee divided on Lord Grenville's motion;

Contents, 26; Not contents, 25.

The LORD CHANCELLOR having taken the woolsack, a motion was made that the report of the Committee of Privileges be received on Thursday.

Earl STANHOPE moved to leave out the word " Thursday," and insert the word " now."

The House divided on the amendment;

Contents, 17; Not contents, 15.

The report was received, and the House adjourned.

Protest against the resolution which sustains the votes of the Duke of Queensberry and the Earl of Abercorn, created British Peers since the Union, for representatives of the Scots Peerage at the last general election.

I. Because this resolution is utterly incompatible with all rational construction of the 22d article of the treaty of Union, subversive and destructive of those rights and advantages which are reserved to the peerage of Scotland by that solemn national compact. The principles of their representation appear equally violated, whether it be considered as a compensation for the rights which the Scottish nobility surrendered, or as a security and guard for the rights which they retained.

The right of representation being given to the Peers of Scotland for the loss of their hereditary seat in Parliament, nothing seems more evident than that the compensation cannot be justly claimed by those who no longer suffer the loss. But while by this resolution the elective right is lavished on those who have recovered an hereditary seat, its worth and value is diminished to the Peers of Scotland, who were justly entitled to that growing importance of their suffrage, which was to arise either from the operation of time in lessening their number, or from the promotion of their more favoured brethren to a superior class of peerage.

To attain a purpose so iniquitous and absurd as that of indemnifying men for a loss under which they no longer labour, at the expence of those who continue to suffer it, we are to accumulate on the heads of one description of Lords, elective franchise, and hereditary right, in a manner new in precedent, subversive of that equality which is the basis of Peerage, and of that separation of original from delegated right, which forms the principle of representation.

Nor is it less manifest that all the security which the Peers of Scotland derive from the seat granted to their representatives in the Parliament of Great Britain is destroyed by these resolutions. Peers of Great Britain, or those who are elected by Peers of Great Britain, can, in no reasonable or honest sense, be called representatives of the Peers of Scotland. The object of representation cannot be obtained without identity of interest; it implies, at least, some control on the representative, some responsibility to the constituent. But the most important interests of the Peers of Great Britain might survive the destruction of the peerage of Scotland, and they possess no shadow of check or control over pretended representatives, who, after having betrayed their dearest rights, would still retain hereditary seats in this House, in contempt of their rejection, and in defiance of their displeasure. The utmost extremes of absurdity and injustice are the result of that construction of the treaty of Union which is necessary to justify these resolutions. His Majesty may, in process of time, be pleased to raise a majority of the Peerage of Scotland to the rank of British Peers. That majority may elect sixteen representatives of their own number. Thus constituents, who have no interest in maintaining the rights of the Scotch nobility, will nominate representatives equally unconcerned in the maintenance of its privileges; the stipulations of the treaty of Union become futile and nugatory; the Peers of Scotland are stripped of all

protection and defence, though for their protection and defence alone was the election instituted, and the representation constructed. Nor let this reasoning be rejected under pretence that arguments from injurious consequences have no force in the interpretation of law; among the various aids for the construction of ambiguous laws, none is more important than the reasonable presumption that it is not the intention of the Legislature to enact absurdity, or to ordain injustice. The principle of this article of the treaty of Union, was to give a real and substantial representation to the Peerage of Scotland in the House of Lords of the Parliament of Great Britain. Every construction of it therefore ought to be rejected, as repugnant to its intention and purpose, which tends to impair and destroy that representation, to reduce their right of suffrage to an illusion and a mockery, worthless as a compensation for the splendid rights which they have sacrificed; impotent as a defence for the slender privileges they have reserved, contemptible in value, and precarious in enjoyment.

II. Because we conceive the case of those Peers of Scotland, who were Peers of England before the Union, to furnish no valid or conclusive objection against these reasonings. Their full rights of Peerage in both kingdoms, are doubtless protected by the treaty of Union, and their case is therefore, by that treaty, excepted from the application of the general principles of representation, to the elective Peerage of Scotland. To extend that excepted case to the present question, appears only the last resource of a feeble sophistry, compelled to infer a rule from a deviation, and to erect an exception into a principle.

Because the Peers of Scotland made no effort against the defined and ascertained rights of a small body of men, it is not therefore to be presumed, that they were to submit to that progressive diminution of their importance, and that possible final extinction of their privileges, which are sanctioned and established by the principle of the present decision. On the contrary, the language of the framers of the Union uniformly discriminate between those who were Peers of England before that treaty, and those who were created Peers of Great Britain after it, as distinct and separate bodies of men, who might enjoy different rights, and to whom different modes of reasoning might be applicable. Instead of multiplying instances of this discrimination, it is sufficient to produce the memorable and decisive example in 1708, when a sense of the distinction was so strong, that the objection against the vote of English Peers at the Scotch election was abandoned as untenable, even by those who had urged it, while the objection to the same right of Peers of Great Britain was received as valid and conclusive by this House, and formed the basis of that solemn decision which, till now, has been the rule and guide of our proceedings.

III. Because if the sense of the treaty of Union had been more dubious, and its construction on general principles more equivocal, we should still deem it to have been conclusively interpreted with regard to us by the solemn decision and uniform practice of this House.

On the 21st day of January, 1708-9, it was resolved by this House, "That a Peer of Scotland, claiming to sit in the House of Peers by virtue of a patent under the Great Seal of Great Britain, since the Union, and who now sits in the Parliament of

Great Britain, had no right to vote in the election of the sixteen Peers, who are to represent the Peers of Scotland in Parliament;" a decision which appears to us to contain a principle of the law of Parliament, respecting the Scottish Peerage, only inferior in force and authority to the express stipulations of the treaty of Union itself. To so solemn a determination have been added all the weight and sanction which uninterrupted practice could bestow. Vainly will it be urged, that the resolution of the 20th of December, 1711, impeaches the uniformity of this practice. The questions before the House in 1708 and 1711 were separate and distinct, but decisions cannot be contradictory, unless they regard the same object, and pronounce differently on the same question. The Lords indeed, who protested against the injustice of the last resolution, render due homage to the principle of that of 1708; and so uniform was the conviction of its justice, that Lords who suffered from the resolution of 1711 did, at the election of Scotch Peers in 1734, claim their elective franchise on the sole ground and reason that they were deprived of their hereditary seats; these two rights being from authority and from reason, from usage and from principle, equally understood to be incompatible.

This principle of parliamentary law, thus founded on reason, thus confirmed by decision and usage, is now subverted, and with it must perish all trust in the stability of the judgements of this House. Consistency in determination, and adherence to practice, have ever prevailed in well-constituted judicatures; since uniformity in the application of law is of the same importance to men with clearness in the law itself. This great principle, so important in all judicatures, is of peculiar necessity in Courts of high and extensive jurisdiction, where the errors of the Judge are more fatal, and the temptation to the abuse of authority more strong. But it is, above all, indispensable in assemblies which mingle political functions with judicial power. An immutable and inflexible consistency of decision can alone protect their honesty from their own infirmities, and their character from ignominy and general contempt. We have seen an Assembly thus circumstanced, after having long adapted its fluctuating decisions to the varying interests of Candidates or Ministers, at length reduced to the humiliating necessity of making the confession of its own corruption, the ground of resigning its rights of judicature. We are to dread that a similar instability of decision, likely to be the instrument of purposes equally ambiguous, may reduce the jurisdiction of this House, to be an object of similar distrust, degradation, and contempt.

IV. Because even if we had been convinced that the treaty of Union was ill interpreted, by the principle of its stipulations, by the opinion of its framers, by the solemn decision and uniform practice of the only tribunal competent to construe and apply it, we should still regard the retroactive effect of this determination as a flagrant act of injustice, and a gross fraud, and delusion practised on the Peerage of Scotland. Under the faith and authority of resolutions of this House, transmitted to them as the rule of their conduct, did they at their last election vote. But these resolutions are now retroactively rescinded. The compact of this House with those Peers who obeyed its injunctions is violated, and the claims of those who contemned them triumphant. A reward is granted

to disobedience, while those who have been circumvented by our resolutions into any trust in the faith or respect for the authority of this House, find themselves disfranchised by their confidence, and punished for their obedience. No rule of action being derivable from fluctuating and contradictory decisions, there is now left no guide for the conduct of the Peers of Scotland, but the temporary caprice, or the corrupt interest of Ministers and majorities of this House, a condition of abject servitude little to have been apprehended for their posterity by the Scottish Nobility, when they entrusted them and their rights to the good faith of a perpetual, predominant, increasing, and irresistible majority of Peers, over whom there existed not the check of common interest, and against whose decisions they left themselves without protection or defence.

LAUDERDALE.

Tuesday, 14th May.

The order of the day being read, the House went into a Committee on the Scotch Catholic bill, Lord Cathcart in the chair.

On that clause of the bill which enacts, "That every person professing the Roman-catholic religion within Scotland, who shall have taken and subscribed the oath of abjuration and declaration therein expressed, and in the manner thereby directed and required, shall be as fully enabled to take by descent, purchase, or otherwise, and to hold, enjoy, alienate, settle, and dispose of, any real or personal property whatsoever, within Scotland, as any other person or persons whatsoever," &c.

The Duke of NORFOLK said, that there seemed every reason to give to the Catholics of Scotland the same rights and privileges which had been very properly allowed to the Catholics of a neighbouring kingdom (Ireland). They were as good and loyal subjects as any in His Majesty's dominions, and were ready to profess themselves to be so, in the strongest possible manner, by the oath required by the present bill: he would therefore move, as an amendment to the clause, "that Catholic Commoners, having a legal qualification, should have right to vote for Members of Parliament, and that Catholic Peers should have right to vote at elections of Peers in Scotland.

The LORD CHANCELLOR stated, that Roman Catholics in Scotland were under no legal disability that he knew of to give their votes; but that certain oaths were ne-

tefary, and required by different statutes to be taken by all persons whatever, previous to their voting at elections, which would prevent persons professing the Roman-catholic religion from exercising that right. And as this bill was intended for, and would answer a good purpose, and afford great relief, at the same time that it was totally unconnected with any regulation of the law of elections, and could not, of course, go to repeal the statutes he had mentioned, so far as respected the oaths thereby required, he hoped the noble Duke would agree to withdraw his motion for the amendment.

Earl STANHOPE professed himself an enemy to all disabilities on account of religious principles, but joined in wishing the noble Duke to withdraw his motion, which he thought would not answer the purpose intended, and was not the right way of doing the thing.

The Duke of NORFOLK said, he still retained his opinion, that it would be right to adopt the amendment he had proposed, and that it might, without difficulty, be so worded as to answer the purpose intended; but, as the sense of the House seemed against it, he had no objection to withdraw his motion.

On the next clause, which enacts and declares, "That the act shall not extend, or be construed to extend, to enable any person professing the Roman-catholic religion in Scotland, to be governor, chaplain, pedagogue, teacher, tutor, or curator, chamberlain, or factor, to any child or children of Protestant parents, or to be otherwise employed in their education, or the trust or management of their affairs, or to be schoolmaster, professor, or public teacher of any science, to any person or persons whomsoever within Scotland,"

The Duke of NORFOLK again rose, and stated his opinion of the injustice, absurdity, and impolicy of the whole of this clause. He said that, at the Reformation, there seemed to be more animosity betwixt the Catholics and Reformers in Scotland than in England, probably from the circumstance of the unfortunate Queen Mary having been bigoted to the Catholic religion, while Henry the Eighth and Elizabeth favoured the Reformation. But, even supposing us to be now at the period of the Reformation, although probably the Re-

formers might have thought that a Catholic musician ought not to be Secretary of State, and might have been inclined to deprive the Queen of the society of David Rizzio in that capacity, yet he hardly believed that John Knox himself would have thought it either necessary or right to have prevented a Catholic music-master from improving the ladies of Scotland in that art, which seemed to him to be done by this clause of the present bill, and he would therefore move that the clause be wholly omitted.

The LORD CHANCELLOR regretted the objections made by the noble Duke. He said he wished to avoid getting into any discussion whatever upon the subject, which he thought by no means prudent. Those who were chiefly interested in the operation of the present bill were satisfied with it in its present form, and, before going farther, it would be right to be assured that every kind of animosity was at an end.

The question being put on the Duke of Norfolk's motion, it was negatived without a division, and the bill, being gone through in the Committee, the Chairman reported the same to the House.—Adjourned.

Thursday, 16th May.

After a debate of considerable length, their Lordships agreed to proceed farther in the trial of Mr. Hastings to-morrow.

Wednesday, 22d May.

The India Annuity bill was brought up from the Commons by Mr. Secretary Dundas, and read a first time.

The order of the day being read, the House went into a Committee on the Debtor and Creditor bill.

Lord THURLOW presented a petition from certain traders, &c., of the cities of London and Westminster, and borough of Southwark, which his Lordship said was signed only by seven hundred persons, or thereabouts, praying that the bill might not pass into a law, and that they be allowed to be heard by Counsel against the same. His Lordship said he did not wish to interrupt the Committee in going through the bill, and would therefore move that the petitioners be heard by their Counsel on the third reading. Ordered.

On the 25th clause of the bill, which goes to the abolishing the rules of the King's Bench and Fleet prisons, and enacts that all persons imprisoned for debt shall be confined within the walls of the prison to which they are committed, a short conversation took place between the Lord Chancellor and Lord Rawdon ; after which the clause was agreed to, suppressing these rules from and after Easter Term next ensuing.

The 26th, 27th, and 29th clauses were agreed to with some amendments, and the 28th clause was left out.

The LORD CHANCELLOR objected to the 30th clause, which goes to repeal an act passed in the present session of Parliament, extending and amending the Lords' act. His Lordship insisted that this could not possibly be done without infringing upon and breaking through a rule which made part of the constitutional frame of Parliament.

Lord RAWDON observed, that when the former act was brought in by the noble and learned Lord (Chancellor) he had taken the liberty to state shortly, that he hoped it would not interfere with the greater and more extended object which it was well known he was about to bring forward, and he then understood it to be the sense of the House that it should not do so. He conceived it hard to be met in this way, by a point of form which he thought might be got over, instead of getting into a fair and full discussion upon the merits of the question itself in a matter of such serious importance, which he most anxiously wished to do.

If we must perish, we the doom obey ;

But let us perish in the face of day.

Lord THURLOW agreed with the Lord Chancellor, that it was impossible to introduce any thing into the present bill which went to an alteration or repeal of an act passed in this session of Parliament.

The 30th, 31st, and 32d clauses were therefore rejected, and the 33d and 37th, and intervening clauses, were agreed to, with some amendments.

On reading the 38th clause, which states that it is just and expedient that some course should be provided for enabling such debtors in execution as do not fall within the description of the act of the 32d of Geo. II., and of the act passed in

this present session of Parliament, extending and amending the same, to obtain their discharge out of prison, and for giving to the creditors of such debtors the benefit of the money, stock in the public funds, debts due to their debtors, and property of every description, which cannot be attached by legal execution, for which purpose various enactments are introduced in that clause, and in the sequel of the bill,

The LORD CHANCELLOR rose, and said, that it was not his intention, in so thin a House, when only four noble Lords were present, and a much larger audience below the bar, to enter into any discussion upon this clause, or upon the subsequent clauses of the bill, but merely to state that he disliked the whole principle and fabric of the bill, from this clause to the end of it, which would render it both unnecessary and improper for him to trouble the Committee with any observations upon particular modes of expression ; he would only just observe upon the present clause, that the Courts of King's Bench and Common Pleas, which were the proper Courts in all civil actions in this country, were, by the operation of it, to have nothing to do at all with the discharge of debtors. He was attached to the present system of the laws of England, which he was not prepared to charge either with injustice or barbarity ; and, although there might, no doubt, be hardships in particular instances, he believed there never had existed any other system of law better calculated for the general benefit of all orders in society, both poor and rich.

Lord RAWDON said, that the leaving out the Judges of the Courts of King's Bench and Common Pleas in these clauses of the bill, and devolving the business on the Lord Chancellor, the Master of the Rolls, and Court of Exchequer, had been done by him at the express desire of the noble and learned Lord who presides in the Court of King's Bench, by way of relieving them from a business which was thought to be too operose. His Lordship admitted that the laws of England were, in theory, equal to the poor and the rich ; but in practice it was unfortunately quite the reverse. He lamented the loss which he must sustain in the progress of the business, from the want of the assistance and concurrence of the noble and learned Lord ; he was resolved, however,

that nothing should deter him from pursuing his purpose. Indeed such was the extent of the emoluments arising to the clerks and officers of the different Courts, from the present practice with respect to actions, execution, and imprisonment for debt, that to every insolvent bill that had ever been proposed, to every proposition of a nature similar to the present, the most determined opposition had always come from that quarter. Lord Rawdon was proceeding, when

The LORD CHANCELLOR rose, and, with considerable warmth, said he spoke to order. The reflection thrown out by the noble Lord appeared to him highly indecent, as well as unmerited, after his noble and learned friend near him (Lord Kenyon) and another noble and learned Lord now absent, (Thurlow) as well as himself, had paid so much attention to the present bill. In fact, the operation of the clauses which he objected to would go much to increase the fees and the patronage in the Court of Chancery.

Lord RAWDON said, that had his Lordship allowed him to proceed, without insisting on calling him to order, he would have instantly explained that he did not certainly speak of any interest or emolument arising personally to any of the noble and learned Lords themselves, but meant only to allude to their making inquiries and receiving information from persons deeply interested in the continuance of the present system, and who were habituated to reconcile themselves to the profits thence derived, and were led, from a prejudice sufficiently natural, to throw cold water on every proposition such as the present. His Lordship then read a letter, stating a most oppressive proceeding by an attorney against a poor man, and who was now in prison for a debt due to that attorney. Such abuses, among others, were meant to be remedied by the present bill. The profession of an attorney, his Lordship said, was respectable in itself; and it was only from the abuse of the profession that any reproach had been entailed upon it. He was possessed of the most evident proofs that that abuse had, in a vast variety of instances, been most gross and oppressive, and he meant therefore then to give notice of his intention to bring forward, early in the next session, a bill for the regulation of the practice of attorneys.

His Lordship concluded with a very able defence of the principle of the present bill.

After some farther conversation, in which the Lord Chancellor and Lord Kenyon objected to the principle of the insolvency clauses, and declined taking any part in amending them,

Lord RAWDON lamented that he was deprived of such important assistance, and said he must endeavour to make the clauses as unobjectionable as he could without it.

The remaining clauses were gone through, and the bill, with the amendments, ordered to be printed.

Adjourned.

Thursday, 23d May.

The Report of the Committee of Privileges being read, for referring a question to the Judges, whether, by the articles of Union and subsequent acts of Parliament, such Peers of Scotland as have been created Peers of Great Britain by patent, since the Union, have a right to vote at the elections of sixteen Peers to represent the Peerage of Scotland in the Parliament of Great Britain.

Lord GRENVILLE said, that, after the full discussion of the subject which had taken place in the Committee, he would content himself simply with moving, "That the House do agree to the Report of the Committee."

Lord CATHCART called the attention of their Lordships to the former resolutions of the House upon this subject in 1708-9 and in 1787, and insisted that it would be inconsistent with the dignity of the House to refer to the opinion of the Judges a question which had been already solemnly decided by their Lordships; he must therefore give his negative to the motion.

The Duke of NORFOLK thought it perfectly clear that there was nothing in the articles of Union, or in any subsequent acts of Parliament, which precluded Peers of Scotland, created Peers of Great Britain by patent since the Union, from voting at elections of the sixteen Peers of Scotland. With all due deference to the resolutions of that House, he thought they could have no binding force whatever when contrary to law; and, having no doubt upon ei-

ther of the points he had mentioned, he was against putting the proposed question to the Judges, though for reasons perfectly different from those which had been given by the noble Lord who spoke last.

Lord GRENVILLE said a few words in favour of the motion, and in answer to Lord Cathcart; after which the House divided on the motion for agreeing to the Report of the Committee;

Contents, 30; Not Contents, 31.

Majority against the motion, 1.

The Earl of MANSFIELD then moved, "That the votes attempted to be given at the last election of the sixteen Peers of Scotland, by the Duke of Queensberry and the Earl of Abercorn, who had been created Peers of Great Britain by patent since the Union, in contradiction to the resolutions of that House, in the years 1708-9 and 1787, ought not to be counted.

Lord HAWKESBURY spoke at some length against the motion, insisting that the resolutions of the House were contrary to law, and could not be binding to the effect of depriving any persons of a right inherent in them by the law of the land, and by the articles of Union.

The Earl of MANSFIELD called upon the House to act with gravity and deliberation on a subject of such magnitude, and with that consistency which was absolutely necessary to maintain dignity and respect in their proceedings. His Lordship thought it impossible, at present, to get into the general question, whether their former resolutions gave a just exposition of the law? because as they contained the interpretation given to the law by those who were not only competent to interpret it, but were indeed the sole expounders of it, they must be binding till rescinded; and to rescind them with a retrospect would be totally inconsistent with every principle of justice.

The Earl of KINNOUL (Lord Hay) spoke in favour of the motion, and stated how inconsistent it would be with the dignity of the House to give to the two noble Lords who had bid defiance to its resolutions an advantage over him who had conscientiously thought himself bound to pay a becoming respect to them.

The Duke of QUEENSBERRY (Lord Douglas) insisted, with a good deal of warmth and animation, on the propriety of exercising a right which he thought himself clearly entitled to by the law of the land, and of which, as he conceived, nothing but an act of Parliament could deprive him.

The Earl of MORTON (Lord Douglas of Lockleven) spoke against the motion.

The LORD CHANCELLOR left the woolfack, and spoke at considerable length, and with much ability, in favour of the motion. He entreated their Lordships to attend to the dignity and consistency of their own proceedings. In a cause properly brought before them, and fully argued, immediately subsequent to the Union, their Lordships had decided upon the construction of an act of Parliament, in a matter of construction of which they were not only competent, but exclusive judges: they had then decided against the right now claimed, and that decision had been followed by uniform acquiescence for near a century: at all events, therefore, he was clearly of opinion that it was impossible, in the shape of the present case, to go into the general question, or to depart, with any sort of justice or consistency, from their former resolutions.

Lord GRENVILLE, in a speech of great length, went much at large into the subject, and combated all the arguments which had been adduced in favour of the motion, and insisted on the necessity of going into the general question. He maintained that the resolutions of that House were not binding; that they had not been sanctioned by any subsequent practice or acquiescence; and that they were directly contrary to the express words and meaning of the articles of Union.

Earl STANHOPE reprobated the discussion of this subject at a time when the Peerage of Scotland was not fully represented, and its being decided on by the English Peers and the English Bishops; and suggested the propriety of an alteration in the words of the motion, both because it still remained to be discussed, whether the votes of the two noble Peers had been properly given, and because the motion ought to have been put in the affirmative, as had always been the

practice adopted in the Committee; if the motion should be so altered, the noble Moyer would of course give it his negative.

After some conversation between Earl Stanhope, the Earl of Mansfield, Lord Grenville, the Duke of Norfolk, Earl Fitzwilliam, and the Lord Chancellor, it was at last agreed that the motion should be, "that the votes of the Duke of Queensberry and the Earl of Abercorn, at the last election of the sixteen Peers of Scotland, ought to have been counted, if duly tendered.

The Earl of LAUDERDALE took a general view of the subject, and contended strenuously and forcibly against the admission of the votes of the two noble persons who had thus voted.

The House divided;

Contents, for the motion,	-	41
Proxies,	-	7
		—48
Not Contents,	-	31
Proxies,	-	10
		—41
Majority	-	7

Adjourned.

Tuesday, 28th May.

Their Lordships having met, proceeded to Westminster-Hall to the trial of Mr. Hastings, when the counsel for Mr. Hastings closed the defence.

Mr. HASTINGS then addressed the Court nearly as follows:

My Lords,

My evidence is now brought to its close.

Sufficient has, I trust, been already done for every immediate purpose of necessary justification; and, it is not, my Lords, from any apprehension which I entertain, lest any defects of this kind should exist, or from a vain opinion that they could be supplied by me, that I present myself once more to your Lordships' attention. No, my Lords, I leave the proof which I have offered to its just and necessary operation, without any degree of doubtful anxiety for the issue. But, my Lords, I rise for a purpose, which no external testimony can adequately supply, to convey to your Lordships' minds a satisfaction which honourable minds may possibly expect, and which the solemn observations of a man, impressed with a due sense of the sacred obligations of religion and honour, can alone adequately convey.

I know that the actual motives of human conduct are often dark and mysterious, and sometimes inscrutable. As far as the subject is capable of farther ascertainment, and the truth can be sealed by a still more solemn attestation, it is a duty which innocence owes to itself to afford it.

In the presence, therefore, of that being, from whom no secrets are hid, I do, upon a full review and scrutiny of my past life, unequivocally and conscientiously declare, that, in the administration of that trust of Government, which was during so many years confided to me, I did, in no instance, intentionally sacrifice the interest of my country to any private views of my own personal advantage: that, according to my best skill and judgement, I invariably promoted the essential interests of my employers, the happiness and prosperity of the people committed to my charge, and the welfare and honour of my country, and at no time with more entire devotion of mind and purpose to these objects, than, during that period, in which my accusers have endeavoured to represent me as occupied and engrossed by the base pursuit of low, sordid, and interdicted emolument.

It may be expected of me to say something in addition to what you have heard from Mr. Woodman, respecting the actual state and extent of my fortune.

He has proved the total amount of my remittances from India during the period of my government; and that the balance of my fortune, when last adjusted, shortly after my return to England in 1785, amounted to little more than 65,000l.

I protest, in the name of Almighty God, that I made no remittances to England during that period, which were not made to him, and my other Attorneys joined in trust with him; that I had no other persons in England, or Europe, in trust of my pecuniary concerns: and that his account of those remittances is accurately true, according to my best means of knowledge and belief upon the subject; and that, including those remittances, I, at no time, possessed a fortune which exceeded, at its most extended amount, the sum of 100,000l.; and in this calculation, I would be understood to comprehend every kind and description of property whatsoever. That, at the period of my return from England, my fortune did not exceed the balance, already mentioned to have been then in the hands of my Attorneys, by more than the sum of 25,000l. amounting, on the largest calculation, to an aggregate sum of between 80 and 90,000l.; and all the property which I possess, stands pledged at the present moment for the discharge of such debts as I have contracted since the commencement of this long-depending trial.

These are the enormous fruits of thirteen years of imputed rapacity and peculation, and of upwards of thirty years of active and important service.

My Lords, I know not how I can more fully and explicitly disavow every purpose of appropriating to my own benefit any of the various sums received, and applied by me to the Company's service in moments of extreme peril and exigency, than in the very terms in which I expressed such disavowal at your Lordships' bar in the month of June, 1791. I again repeat, that "I solemnly, and with a pure conscience, affirm, that I never did harbour such a thought for a single instant."

If, in addition to the proof upon your Lordships' table, of the justice and necessity of the measures which are the subjects of the two first articles of the charge, it can be required of me by an act of solemn and sacred attestation on my part, to vouch the truth of my defence in these particulars, and to vindicate my character from the unfounded charge of malice alledged to have been entertained by me against the immediate objects of those measures, I once more call God to witness, that no motive of personal enmity, no views of personal advantage to myself, or others, induced the adoption, on my part, of any of those measures, for which I am at this day criminally questioned; but that, in every instance, I acted under the immediate and urgent sense of public duty, in obedience to the irresistible demands of public safety, and to vindicate the just rights of the empire committed to my care against those who, in a moment of its greatest peril, were engaged in hostile confederacy to destroy it.

I have no doubts, but that upon a fair review of all the existing circumstances, and the means of information then before me, no lavish or improper expenditure of public money will be found to have taken place in respect to the contracts formed during my administration.

For the prudence and success of the regulations adopted and pursued in respect to the control and management of the public revenue, I trust I may be allowed to appeal to the flourishing condition which the Company's Provinces enjoyed during the period of my government, and which has been, from the continued operation of the same cause, in a course of progressive improvement to the present hour.

I know that your Lordships will, in your own enlightened and impartial wisdom, justly estimate the difficulties by which I was surrounded, during a long and arduous period of public service: that you will allow for all the embarrassments arising from the long counteraction of my associates in the Government; for errors resulting from the honest imperfection of my own judgement—from occasional deference to others, and from the varying sense of expediency which at different periods governed my own.

Your Lordships well know, that the imperious exigencies of public affairs often present to the servant of the State no alternative but the painful choice of contending evils.

The transcendent and peremptory duty of my situation was to devise and to procure the necessary means of public safety. Feeling, as I did, the exigencies of the Government as my own, and every pressure upon them resting with equal weight upon my mind; besieged, as at some times I was, by the hourly and clamorous importunities of every department of the military service; goaded at others with the cries of our then famished settlements on the coast of Coromandel; should I have deserved well, I do not say of my country, but of the common cause of suffering humanity, if I had punctiliously stood aloof from those means of supply which gratitude or expectation enabled me to appropriate to the instant relief of such distresses?

The whole tenor and conduct of my public life is now, my Lords, before you: it has undergone a scrutiny of such extent and severity as can find no parallel in former times, and I trust will, in

many of the peculiar circumstances which have characterised and distinguished this trial, leave no example to the future.

My Lords, I have now performed the most solemn duty of my life, and with this I close my defence.

I may now, I trust, assuredly consider myself as arrived at the threshold of my deliverance, at that period when no delay or procrastination can prevent the speedy and final termination of the proceedings before your Lordships.

After such recent and acceptable proof on the part of your Lordships, of your earnest disposition to accelerate the conclusion of this trial, it would betray an unwarrantable and unbecoming distrust of your justice to offer any request to your Lordships on this subject, had I not other causes of apprehension. At this momentous and awful crisis, ignorant of what may be in the minds of others, I am compelled to obviate every possible, even though improbable, danger.

In the short address which I made to your Lordships on Friday last, I stated, that I should waive the observations of my Counsel on the evidence of the article then before the Court, and both the opening and application of the evidence on the next; and that I made these sacrifices, well aware of their importance, for the express purpose of affording ample time to my prosecutors, during what remained of the probable term of this session, to make their reply.

If the Managers for the Commons had been equally desirous of accelerating the close of this trial, and I had a right to suppose that they were so, from their repeated declarations to that effect; what I had said might have been construed an offer of mutual accommodation: but, my Lords, it was received with resentment, and answered with reproach and worse insinuation.

What other conclusion can I put upon this conduct, but that which is conveyed to my ears from every quarter, that they mean to endeavour to prevail on your Lordships to adjourn over this trial to its 7th year, that one more may be given them to prepare their replies. I do not know that this is their intention; but I may be allowed to suppose it; and though impressed with the firmest confidence in the just and favourable disposition of your Lordships, I cannot but dread the event of a question in which my rights may be at issue, with such opponents as the Managers of this prosecution, speaking in the name of the House of Commons, and of all the Commons of Great Britain.

To meet such an attempt, if made, I humbly offer to your Lordships the following arguments, most anxiously recommending them to your consideration.

In an address to a Court of British Peers, I cannot offend by pleading the rights which I possess as a British subject—Rights which are assured to me in common with all my fellow subjects of this realm, by the pledges of ancient charters, and the sanction of an oath, the most solemn that can be tendered, or taken by man. My Lords, I claim the performance of that sacred promise, in all its implied obligations, that justice be administered to me, and that it be administered now.

In the long period of another year, I may be numbered with those of my noble judges, whom I have, with sorrow, seen drop off year after year: and in aggravation of the loss which I have sustained by

their deaths, I may thus lose the judgement of their survivors by my own.

To the precepts and sanctions of the law, I join the rights which are derived from the practice of it.

In the other Courts of this kingdom their criminal process is limited in its duration by express and positive regulations.

On this high Court, charged with other various and important duties, the wisdom of our ancestors has imposed no restraint but the rule of honour: and to that honour I make this, my last, appeal; humbly praying, that if in the course of this hard and long-extended trial, I have conducted myself with the most patient and respectful submission, and borne all the aggravating circumstances of it with a tranquillity of mind, which nothing but a consciousness of integrity, and an equal reliance on your ultimate justice, I may obtain from your Lordships this only grace, that your Lordships will order the trial, now past its legal process, to continue to its final conclusion during the present session.

Mr. Fox said, the Managers were called upon for themselves, the House of Commons, and all the Commons of Great Britain, to notice the observation which seemed to imply that they had wilfully protracted the trial—an observation which they must have noticed with more severity had it come from any other quarter. They could appeal to their Lordships, to the Public, and to the world, that they had in no instance protracted the trial; and, on a review of the whole proceedings, he was confident it would appear that if delay were imputable to either side, which he was far from believing that it was, the presumption would be rather against those who had conducted the defence, than against those who had managed the prosecution. Their Lordships were bound in honour to expedite the proceedings, as much as was consistent with the ends of substantial justice, and no more; and whatever they might think expedient to that end, they would meet with no delay on the part of the Managers.

Mr. BURKE said, the insinuation of delay on the part of the Managers, had been so often thrown out without any remark upon it by their Lordships, that the Managers must think it necessary to take the opinion of those by whom they were appointed, on their past, and their directions, for their future conduct.

Their Lordships having returned to their own House, sent a message to the House of Commons, that they would proceed farther in the trial of Warren Hastings, Esq. on Wednesday next. Adjourned till

Friday, 31st May.

The order of the day being read, for receiving the report of the Committee of the whole House on the Debtor and Creditor bill; the report was received, and the amendments agreed to by the House. On the question for the third reading of the bill, the order for hearing Counsel, on behalf of certain traders of the cities of London and Westminster, and borough of

Southwark, was read, and Counsel being ordered to be called in,

Mr. DALLAS appeared as Counsel for these petitioners, and objected chiefly to those clauses of the bill, which limit arrests on *meſne* process to sums exceeding 20l., which permit the justification of bail at the Judges' chambers, and which relate to the discharge of debtors, all which clauses, he argued, would be extremely injurious in their operation to the retail traders in this rich and populous city : he argued also, that at all events, the bill ought not to have a retrospective operation, as to debts previously contracted, which it would have in its present shape.

After Counsel had been ordered to withdraw,

Earl STANHOPE rose, and said that great credit was due to the noble Lord who brought forward the bill, for the pains he had taken, and for the laudable object which he had in view. He approved of the great features of the bill, but meant to propose some amendments, which he conceived would be necessary, and perhaps, for this purpose, and that the bill might be made as perfect as possible, the best way would be, that it should be re-committed.

Lord RAWDON said, that from the variety of alterations which the bill had undergone in the Committee, he was sensible that several amendments would be necessary ; and he could therefore have no objection to the re-commitment.

Earl STANHOPE then observed, that he, who thought there were a great many excellent regulations in the bill, was certainly desirous that it should be re-committed ; but if there were any noble Lords present who objected entirely to the general fabric and principle of the bill, they ought now to come forward and state their objections ; if no noble Lord should do so, he would move, that the bill be recommitted.

Lord THURLOW was of opinion that, unless imprisonment for debt was unnecessary for the support of credit, it ought to exist : if it was necessary for that purpose, it ought to be a real imprisonment, and they being allowed to be at large within the rules, as was the present practice, was surely extremely improper. But imprisonment for debt was either intended for coercing payment to the creditor, or as the punishment of fraud ; and he could see no principle either of justice or expediency for allowing a debtor, who might appear to have acted

fairly with respect to one or two debts, which alone were the subject of investigation, to procure a liberation and discharge from all his other debts, as to which his conduct might have been very different: his Lordship made a good many observations; and said, that, although he did not see any proper or consistent principle operating throughout the bill, in its present shape, which could meet his mind upon the subject, yet he did not say, that it might not be so modelled as to become a beneficial measure, and to call for his approbation. In this view he approved of the recommitment, that it might be rendered as perfect as possible.

Lord RAWDON made a few observations, in answer to Lord Thurlow, but said it was unnecessary for him to go into any detail of argument, as the noble and learned Lord did not object to going into a recommitment of the bill.

The LORD CHANCELLOR left the woolfack, and said that he must certainly oppose the recommitment, unless it was intended, in the Committee, to make a great and essential change in the bill. He had formerly given his opinion, which he still retained, that the insolvent clauses were unjust in principle and impracticable in execution; they struck at the whole system of the law of England with respect to debtor and creditor, an attempt which, in his opinion, was highly dangerous, and which did not appear to be justified by any necessity sufficiently urgent. But even in that system, (as in many others which are generally good,) he was ready to admit that there might be particular inconveniences, and individual hardships, to which perhaps some remedy might be safely applied. The security of the creditor, as connected with general credit, was the interest of the debtor no less than of the creditor; but every false expence, every delay, every uncertainty in the recovery of debts ought to be avoided. In his present view of the case he was rather inclined to the limiting arrests on mesne process, to sums above 20l.—He thought also that the shortening, abridging, and cutting off expence from proceedings on mesne process was another very attainable object; and a proper regulation as to the treatment of debtors in gaol, he should consider also as very important matter. But he was for proceeding even as to these with great timidity, and only for a short time by way of experiment. His Lordship then proceeded to state

a variety of objections to the principle of the bill in many parts of it. His wish, he said, was for the recommitment, that it might be made, in the Committee, a complete state of the project of the noble Lord who brought it forward. He confessed, that though he approved of several regulations of the bill, he did not feel that he could sufficiently digest them, so as to reconcile his mind to agreeing to them this session; and he would therefore propose that the bill, when gone through in the Committee, should lie over till next session, and that it should be referred to the Judges, that they might bring in a bill framed upon their ideas. The noble Lord would still be entitled to much credit, and they would receive great help and assistance from his labours and suggestions.

Lord RAWDON reprobated, in strong and manly terms, the proposition of the noble and learned Lord who had just sat down, and said that nothing would be more disagreeable to him than to recommit the bill for the purpose he had mentioned, if there was no serious intention to go through with it, but only to allow it to sleep over till next session. As to the necessity of the bill, his Lordship said, that he had stated the grounds of that necessity fully, on the second reading of the bill, which he would not repeat at length: he had then stated the possibility of abuses, and the probability of existing oppression, under the operation of the law as it stands at present. If the debtor has no means, imprisonment cannot force from him what he does not possess: in fact, the law has protected the effects of the debtor, where they are apparent, against the creditor; and that was highly unjust: where the means are not apparent, it has left the debtor entirely at the mercy of an interested and probably a chagrined and irritated individual—a debtor who may probably be innocent and unfortunate; this was surely no less unjust. The natural consequences of such a law appeared, in a great variety of instances, in the report of the Committee of the House of Commons; instances of imprisonment for 9, 10, and even 20 years, for debts, amounting to no more than as many pounds; and, on the other hand, the case of a Mr. Pope imprisoned for a debt of 10,000l.; who, as was proved in Court, was worth no less than 40,000l. and who had remained in prison for 10 years, setting his creditors at defiance. These cases, however strong, however shocking

both to justice and humanity, were the natural result of such principles and rules of law: but shall no remedy be applied to such glaring abuses?

His Lordship answered all the reasoning of the Lord Chancellor, by a variety of forcible arguments, and concluded a most able and animated speech with saying, that their Lordships might talk of putting off this bill to another session, as if it were to another week, but to those whom it was meant to relieve, the delay was a serious matter indeed; to recommit it, for the purpose of putting it off for another session was totally unbecoming the dignity of the House, and he must complain loudly that this opposition had not been made sooner, instead of giving that apparent countenance to the measure, which it had received in its progress during so long a period of the session.

The question for the recommitment of the bill was then put and carried.

A conversation afterwards ensued betwixt the Lord Chancellor, Earl Stanhope, Lord Thurlow, and Lord Rawdon, as to the time when the bill should be recommitted; Lord Rawdon declaring that he would much rather the bill should be crushed altogether, than thus set to sleep over for another session; he said it was not a novel subject, but one which he had been agitating in that House for years, and he was determined to take the sense of the House. At last a motion was made by Lord Thurlow, that the bill should be recommitted on that day two months; to which Lord Stanhope moved, as an amendment, to leave out the words "two months," for the purpose of inserting "Monday next."

The House divided on the question, that the words "two months" stand part of the motion.

Contents, 10; Not-contents, 5. Majority against the bill, 5.

The House adjourned.

Monday, 3d June.

Lord GRENVILLE moved, that an humble address be presented to His Majesty, expressing to His Majesty the thanks of that House, for his most gracious message relative to the continuation of the pension allowed to the late Lord Rodney, and assuring His Majesty of the support and concurrence of that House in carrying into effect His Majesty's gracious intentions

for continuing the pension of 2000l. per annum to those persons on whom the title of Lord Rodney shall be settled.

The Duke of CLARENCE rose, and said he could not give a silent vote on the present occasion. The services of the late Lord Rodney were so valuable, that it did infinite honour to His Majesty's Ministers to pay every respect to his memory. Such services deserved the highest rewards from his country; and he was happy to bear his public testimony to their value and importance. His Royal Highness said, that he had particular reason to endeavour to do justice to the singular merits of his deceased friend, who, unhappily for his country, was no more; but he hoped the House would indulge him a few moments, while he briefly recalled to their recollection the public services his Lordship had rendered, which he was certain they never could forget.

Lord Rodney, his Royal Highness observed, had taken Martinique from the French, in the war before the last. In the last war, in going out to Gibraltar, he had taken a Spanish Admiral, with a valuable convoy; without this most fortunate capture, Gibraltar was so short of provisions, that the most serious consequences were to be apprehended; he had abundantly supplied the garrison, and happily relieved it. The House would recollect that Lord Rodney had taken the Island of St. Eustatius, and a Dutch convoy; but the most glorious period of his public life was the twelfth of April 1782, which would ever be held as a most sacred epoch in this country. The enemies of England were vain enough to think they could crush her for ever; but the event of that day had clearly proved, that a British fleet, of nearly equal force, when opposed to a French fleet, would be certain of victory. The victory of the twelfth of April was so much the more honourable to Lord Rodney, as it was obtained over De Grasse, one of the best and bravest Admirals that France ever produced. Had it been in the power of valour to have saved a brave man from disgrace and misfortune, it would never have been the lot of De Grasse to have been disgraced and banished from the French Court—a conduct, however, that had too often prevailed in Courts.—It was that victory that decided the fate of the war, and taught our particular enemy France, that however for a moment we

might be depressed, we arose after a seeming defeat with renovated courage and valour.

His Royal Highness hoped the House would pardon his extatiating on the virtues and great professional merit of his deceased friend, for which he, and every officer of the navy entertained the highest respect and veneration.

The order of the day being read for the second reading of the bill for regulating the government and trade of India,

Lord GRENVILLE said, that if it were necessary for him to enter at large into any general detail on the subject of our possessions in India, or into any speculative discussion with respect to the mode in which India ought to be governed, and in which the trade to that country ought to be carried on, this would open a very wide and extensive field indeed. But, in the present case, it did not appear to him that this was in any shape necessary; because he felt that the ground he had to go on was very much narrowed, by having a just and well-founded experience as a guide; a guide which was, at all times, perhaps the best, but more peculiarly so under such circumstances as existed at present. Nine years experience had proved the benefit of the present system, and there appeared therefore no just reason why it should be altered. The present bill, of course, assumed for its principle the continuance of that system; but as ideas had been entertained by some, that, in the hands of the East-India Company, the trade to India was confined within narrower limits than would be the case if it were open to be engaged in by the whole capital, and the whole spirit of enterprise in this country, provisions were now, for the first time, introduced into the present bill, which would give an opportunity for trying the experiment, by allowing merchants and traders to adventure on their own bottom, under certain necessary regulations. The only other material new regulations in this bill were two, viz. 1, That which regards the constitution of the Board of Control, whereby His Majesty is enabled to appoint two commissioners of that Board with certain fixed salaries; and, 2, That which regards the appropriations to be made of the territorial revenue of India. His Lordship then stated shortly the mode of appropriation of these revenues appointed by the bill; and said, that having given the general outlines of the bill, which

he had touched on but very slightly in regard to their importance, he did not think it necessary to trouble their Lordships with going more at large into the subject, and would therefore conclude with moving that the bill be read a second time.

The Earl of GUILDFORD said, that if he agreed in the discussion of the present bill, to follow the noble Lord who spoke last, in waving the general argument upon the principle of the bill, he begged it might not be understood as if he entertained any opinion that it was not extremely possible to lay open the trade to India, under such regulations as might render the measure extremely beneficial to this country; but as he meant chiefly to object to particular clauses of the bill, what he had to offer to their Lordships would come more properly to be stated in the Committee.

The Bishop of LONDON did not rise to oppose the bill, but to notice what he thought a very material omission in it. No clause had been inserted with regard to the interests of the Christian religion, although it had ever promoted the happiness of every people among whom it had been propagated. Divine service was performed at the chief settlements, such as Bengal, Madras, and Bombay; but at all the lesser, and some of them considerable towns, people who had resided there for twenty years had never once heard it performed; nor had chaplains been appointed to their ships, which, according to a former act of Parliament, ships of five hundred tons burthen were to carry. His Lordship did not think that the Gentoos, on account of their different castes, and other insuperable objections, could be converted to Christianity; but the Hindoos were not in the same situation; and in an object so important, nothing should be left unattempted for the happiness of mankind. He would therefore propose some clauses in the Committee, which, he hoped, would be adopted.

The Earl of LAUDERDALE said, he rose chiefly for the purpose of joining his noble friend, (the Earl of Guildford) in begging that it might not be understood that he thought the trade to India might not be laid open with much benefit to the country, although he waved entering into any debate on the general principle of the bill. He disapproved, therefore, of the present bill as a permanent law, and as taking in so long a range of time; nor could he admit, with the noble Lord,

(Grenville) that the natives were happy under the present system. This bill, he confessed, appeared to him to be altogether a system of corruption ; it held out to the public a revenue of 500,000l.—to the Directors, an additional salary, &c. He would not, however, enter farther into the subject at present, as he conceived the proper stage for debate would be in the Committee, when the clauses should come to be separately discussed.

Lord HAWKESBURY said, that the objections to the bill were the most extraordinary that ever were made. It was, because the bill increased the manufactures and trade of the country ; because it gave a larger salary to some persons, and a greater dividend to the Company ; because it increased the happiness and prosperity of all, that it was condemned as impolitic and unjust. His Lordship thought that these very circumstances were the highest proof its policy and wisdom. It might be considered as a mighty whole, diffusing wealth and prosperity to all its parts, and invigorating and enriching the parent country and her most distant appendages. He therefore hoped it would meet with the full approbation of their Lordships.

The bill was then read a second time, and ordered to be committed to a Committee of the whole House on Wednesday next.—Adjourned till Wednesday.

Wednesday, 5th June.

Lord RAWDON said, that before the orders of the day were proceeded on, he begged to solicit the attention of the House for a very few minutes. Being informed that a bill was just about to be brought up to their Lordships, for explaining and amending an act passed during the present session, for enabling His Majesty to direct the issue of Exchequer bills, to be applied for the relief and support of mercantile credit, he thought it right to mention to the House, that he had learned from the best authority, that much distress and much serious inconvenience had arisen to many commercial houses in this country, from the entire stoppage of their remittances from France, which, he understood, was by no means wished for on the part of France, but was owing solely to the impediments thrown in the way of making such remittances by

the operation of the Traiterous Correspondence act ; he understood also that there were many persons, subjects of this country, who were at present dispersed in different parts on the coast of France, and prevented from returning to their native country, by the impossibility of procuring either remittances, or the necessary passports. His Lordship said that he did not mean to make any motion on the subject, but merely to submit it to the candid consideration of the noble Secretary of State, (Lord Grenville) whether some amendments ought not to be made in the Traiterous Correspondence act, so as to obviate these great and evident inconveniences.

The order of the day being read, the House went into a Committee on the bill for regulating the government and trade of India, Lord Cathcart in the chair.

On reading that part of the bill which enacts, " that as well the said Commissioners, or such or so many of them as His Majesty shall think fit, as likewise their secretaries, and other officers, shall be paid such fixed salaries as His Majesty shall, by any warrant or warrants, &c. direct,

The Earl of GUILDFORD rose, and objected strongly to that part of the clause which went to the giving salaries to any of the Commissioners of the Board of Control. His Lordship said, that when the House of Commons had voted that the influence of the Crown had increased, was increasing, and ought to be diminished ; and when, two years afterwards, their Lordships had joined the other House in abolishing certain offices, for the purpose of diminishing that influence, he had been one of those who did not concur either in the necessity or propriety of these measures. He could not however go so far, as to give his concurrence to what was at present proposed to be done by the clause, under the consideration of the House, viz. the taking money out of the pocket of the East-India Company, for the mere purpose of increasing the patronage of the Crown ; he ridiculed the idea which, he said, had been attributed by some impudent newspapers, to a right honourable Secretary of State, (Mr. Dundas) of training up young men in this way to Indian politics ; and as he could see nothing either in the situation of this country, or of India, to justify a measure, the principle of which he highly disapproved, he must give it his negative, and would therefore

move, as an amendment to the clause, that the words, "as well the said Commissioners, or such and so many of them as His Majesty shall think fit, as likewise," should be left out.

Lord HAWKESBURY said, that he felt some anxiety to answer what had fallen from the noble Earl who had just sat down. With regard to the proceedings alluded to by the noble Earl, which had taken place about ten years ago, he had entirely agreed with the noble Earl that there was no necessity for diminishing the influence of the Crown. His Lordship then alluded to the abolitions of different offices that had been made, in consequence of the plan of a right honourable gentleman, (Mr. Burke) particularly of the Board of Trade, in place of which a Committee of Council had been substituted, at the head of which he was. How the abolition of that Board had come into the head of the right honourable gentleman, he could not tell, for it had been, at the period of its establishment, a very popular measure; much advantage had been expected from it, and much benefit had been derived from it, in training up young men in the school of political knowledge and information. The business of India was of such extent and intricacy, that the assistance of young men was absolutely necessary, who had been trained up in the knowledge of it, and who should dedicate to it all their attention. The present measure was one for the preservation of the revenue and of the commerce of the East-India Company, and it was therefore just that the expence should fall on them. With respect to the influence of the Crown, it had been much diminished in the present reign, below what it had been from the reign of King William downwards, though the business and weight of Government had much increased; nor did he wish to add to it more than was absolutely necessary for carrying through the business of Government. The present measure appeared to him both proper and necessary, and therefore had his support.

Earl FITZWILLIAM defended the measure of abolition of certain offices which had been brought forward by the right honourable gentleman alluded to, which, he said, had been pursued on a system that, as he understood, was approved by every body; nor had he ever heard of any general regret on account of the abolition of the Board of Trade, as being such

an excellent nursery for young statesmen. His Lordship disapproved of the clause as it stood, and thought that if any salary was to be given, it ought only to be to one person, who should be considered as Secretary of State for India, and on whom responsibility should rest, without his being embarrassed and loaded with any assistants, who might act, in some shape, like little fucking vessels in drawing off all the secrets of Government, as well as in dividing or lessening the responsibility. At present, he considered the President of the Board of Control as in fact Secretary of State for India ; and if a superintendance by Government of the affairs of India was necessary, it ought to be in the hands of one person. He could not but suppose that there were young men now in this country who would be nobly ambitious of acquiring that knowledge which was necessary to distinguish them and render them useful in the service of their country, without having the inducement of any temporary emolument. As to the influence of the Crown, though, he confessed, he would not incline to be always picking at it, he could not acquiesce in a system which went so directly to increase it as the measure now proposed.

Lord HAWKESBURY said a few words in explanation.

The Earl of LAUDERDALE said, that the idea of public boards for training up young statesmen was quite novel to him. He had ever been taught to believe that the two Houses of Parliament were the proper and constitutional schools for that purpose, in which they were to be inured to business, and to be instructed in political and constitutional knowledge. Was it, he would ask, in His Majesty's Cabinet, or from any observations he has been led to make there, that the noble Lord (Hawkesbury) has been taught the necessity that those who fill the highest departments of the State should be trained up to them by passing through the subordinate offices ? If so, such observation might have its effect upon the mind of the noble Lord ; but having no such means of information, he could not accede to the doctrine. His Lordship said, he agreed entirely, that those persons who were employed in a public board, ought to be paid for their trouble : but are not the present Members of the Board of Control paid, while one of them is Treasurer of the Navy, others Vice Treasurers of

Ireland, &c. ? Of what consequence was it, whether the salary was annexed to the office, or a consequence, or attendant of it ? But, besides what he had already urged, and besides the alarming increase of influence and of patronage, one great objection he had to the present clause was, that it militated entirely against the ground held out as the great principle of the rest of this bill, viz. the ground of experience. Of all that had been done, under the existing system, perhaps the noble Lord would think that the actings of the Board of Control were, of all others, the last to be blamed ; and if so, why would you change the constitution of that Board, and make it only the object of a political school ? For these reasons he must give his negative to the clause, as it stands, and vote in favour of the amendment proposed by his noble friend.

Lord GRENVILLE defended the clause, and said, that, in fact, it would not add to the influence of the Crown ; it would add no additional office [in saying this, his Lordship alluded to the office of Vice Treasurer of Ireland]. His Lordship then adverted to what had been stated by a noble Earl (Fitzwilliam) as to the appointment of a Secretary of State for India. He paid the highest compliments to the indefatigable labour and great talents of the right honourable gentleman at the head of the Board of Control ; (Mr. Dundas) and said, that if the business was such as could be performed by a Secretary of State, the making Mr. Dundas Secretary of State for India would certainly answer every purpose. But the variety, extent, and detail of the business, rendered this entirely impossible ; nor was it fair to talk of the present measure being adopted for the purpose of a political school, because it was absolutely necessary that the person at the head of the Board of Control should have the assistance of young and active men, trained up to and perfectly acquainted with the business. As to the expence, it ought surely to come out of that revenue which was under the superintendance of the Commissioners.

The question was then put on the Earl of Guildford's amendment, which was negatived without a division. On the clause which extends the duration of the bill to the year 1711, an amendment was moved by the Earl of Guildford, to

leave out the words " and eleven." This amendment was opposed by Lord Grenville, and negatived without a division.

The Bishop of LONDON said that he meant to have moved some clauses with respect to the appointment of chaplains, and performance of divine worship on board of ships of 500 tons, and in towns and subordinate settlements; but as he understood that the Board of Control and the Directors of the East-India Company had full power to make regulations for the purposes he had mentioned, he was induced not to propose the clauses he intended; trusting that due regard would be paid to so important a subject by those who had the power of doing it.

Lord GRENVILLE admitted the importance of the subject, and the propriety of its being attended to. It had not, he said, been entirely neglected, as he understood that the church-establishment at present existing in India, amounted to 13,000l. or 14,000l. a year.

The Archbishop of CANTERBURY said a few words on the importance of a due attention being paid to a business of such material consequence.

The Bishop of St. DAVID's also stated the necessity of making provisions for giving to British subjects in India the opportunity of attending divine worship; though he had great doubts, indeed, as to what had been mentioned in another place, of sending missionaries to convert to Christianity the natives of Hindostan. He conceived the religion of a country to be connected with its government, and he did not think that any foreign State had a right to interfere with the government of another country, without an express commission from Heaven; the Apostles had such commission, and in evidence of it, were invested with the power of working miracles; but such power having long ceased, he doubted whether the commission, of which it was the evidence, had not ceased also.

Lord Grenville, the Earl of Abingdon, and the Bishop of London, said each a few words; after which the bill was gone through in the Committee, without any amendments.

Adjourned.

Tuesday, 6th June.

The order of the day being read for taking into consideration the report of the Committee of Privileges, various resolutions of the said Committee, with respect to certain votes given at the last election of the sixteen Peers of Scotland, were read and agreed to by the House.

On the last resolution agreed to by the Committee, “ That the votes given by the Duke of Queensberry, and the Earl (Marquis) of Abercorn, if duly tendered, ought to have been counted,” it was moved, as an amendment, by the Earl of Mansfield, to add to the resolution the following words: “ which votes the Lord Clerk Register and his deputies ought not to have received.”

A debate of some length took place upon this motion, which was supported by the Earl of Lauderdale, the Earl of Kinnoul, and other noble Lords, on nearly the same grounds as in the Committee, when the same amendment was moved.

The Marquis of ABERCORN defended his right to vote, and maintained that law, justice, and the Constitution, were in favour of it; while, on the other side, there were only two resolutions of that House: and, though he respected the dignity of the House as much as any noble Lord, he did not think it could ever be consulted in the sacrifice of law and justice.

The Earl of KINNOUL replied to the Marquis of Abercorn, and stated that his Lordship had not spoke at all as to the tender, which was really the only question before the House.

The question was then put on the amendment moved by the Earl of Mansfield, which was negatived, and the resolution of the Committee agreed to, without a division.

After the petition, which had been presented from the Earl of Kinnoul, (for which, see the proceedings of Monday, 25th February,) had been read,

The Duke of LEEDS moved, “ That the petitioner should be admitted to be heard by his Counsel at the bar, in support of the petition.”

The LORD CHANCELLOR left the wool-sack, and expressed his decided opinion that it was impossible the House could hear Counsel on the petition: in fact, no vote had been

given by the noble Earl, who had himself no proper interest to bring forward the matter, and no application was before their Lordships from any person having such interest: he would therefore simply move, from respect to the noble petitioner, " That the petition do lie upon the table."

Earl STANHOPE argued warmly, that Counsel ought to be heard.

The motion for admitting the petitioner to be heard by his Counsel, was then put and negatived, and the petition ordered to lie on the table.

The Duke of LEEDS stated, in forcible terms, the extreme hardship and injustice, under the whole circumstances of the case, of refusing to admit the vote of his noble relation, while those given by the Duke of Queensberry and the Earl of Abercorn had been admitted; and concluded with moving, " That the Earl of Kinnoul being a Peer of Scotland, &c., having attended the election of Peers of Scotland, on the 24th day of May, 1790, and having been prevented from voting, by the Députies of the Lord Clerk Register having refused to receive the votes of Peers standing in the same situation with him, from a respectful deference to an order of their Lordships, of the 18th of May, 1787; and that his Lordship having now declared the names of those Peers for whom he would have voted at said election, if he had not been thus prevented, his vote ought now to be received, and counted in their favour."

This motion was opposed by Lord Cathcart and Lord Grenville, and supported by the Earl of Mansfield and Earl Stanhope; and upon the question being put, was negatived without a division.

Earl STANHOPE then moved, " To resolve, that the vote of the Earl of Kinnoul was duly tendered at the last election of the Peers of Scotland;" which motion was also negatived, without a division.

Lord GRENVILLE moved, " That a Committee be appointed to examine and count the votes given for the different Peers at the last election, and to report to the House,

Ordered.

Dissentient,

I. Because the noble Peerages, whose votes are declared by the above resolution to have been duly and sufficiently tendered, being

at that time Peers of Great Britain by patent, seem to have a right of voting at the election of Peers of Scotland, to which they had no legal claim. The articles of Union, and the different acts of Parliament passed in consequence of that treaty, appearing to provide every regulation respecting the election of the Peers of Scotland, with a reference to the precise state of the Peerage of Scotland at the period of the Union, particularly in the act of 1708, when a special proviso is enacted, directing the manner in which such Peers of Scotland as are also Peers of England shall sign their proxies and lists, no mention whatever is made of such Peers of Scotland as may in future be created by patent Peers of Great Britain.

II. Because the only Court competent to decide on the merits of the elections of the sixteen Peers, namely, this House, has, by a resolution of January 21st, 1708, distinctly declared, "That a Peer of Scotland, claiming to sit in the House of Peers by virtue of a patent passed under the Great Seal of Great Britain after the Union, and who now sits in the Parliament of Great Britain, had no right to vote in the election of the sixteen Peers who are to represent the Peers of Scotland in Parliament." A copy of which resolution was on May 18th, 1787, ordered by the House to be signed by the Clerk of the Parliament, and transmitted to the Lord Clerk Register of Scotland, with injunction to him to conform thereto.

III. Because the claim of the noble Duke and the noble Earl above mentioned to vote at the said election, under the then existing circumstances, appears to have been unsupported by any act of the Legislature, and in direct contradiction to the repeated resolution and orders of this House.

And lastly, Because it is presumed that no tender of a vote, however accurate in point of form, can be declared to be due and sufficient when the person so tendering it was not at the time legally entitled to the franchise of election.

LEEDS.
HAY.

Monday, 10th June.

Earl STANHOPE having moved, in answer to the message from the House of Commons, "That the Lords would farther proceed in the trial of Warren Hastings, Esq. on Wednesday next," and several noble Lords seeming to approve of this motion,

The Earl of ABINGDON said, It is not possible for your Lordships to refuse the application that has been made to us by the House of Commons, unless you mean to bring a national censure upon this House. Will your Lordships force a man to speak, who tells you he is not prepared to speak, or will you make a speech for him? And if you cannot do the former, and ought not to do the latter, what do you mean to do? Do you

mean, by a side wind, or by some manoeuvre or other, to get rid of this trial? I trust not: but if you do, I will put my negative upon such proceedings, and upon this ground will trouble your Lordships with a motion.

Lord GRENVILLE then rising, and proposing an amendment, that instead of "Wednesday next," the following words should be inserted, "the second Tuesday in the next session of Parliament," and this amendment not altogether corresponding with the views of the motion intended by the Earl of ABINGDON, his Lordship wished that his motion might be adopted instead of the amendment proposed by Lord Grenville; and in doing this, expressed himself in the following manner: He said, that in the prosecution of this trial much blame had been imputed, but where the blame lay was not fixed. The House of Lords charges the House of Commons with this delay. The House of Commons, in their turn, blame the House of Lords; the Managers charge Mr. Hastings and his Counsel with it; Mr. Hastings and his Counsel impute the blame to the Managers; and thus, said his Lordship, is this blame bandied about from one to the other, without the responsibility of any, or either. That blame did exist somewhere, there was not, nor could there be, any doubt; and upon investigation he feared it would be found they were "All in the Wrong," and that each party had its share in that wrong: but, said his Lordship, setting aside this crimination and re-crimination, as productive of nothing that is useful, the question was, what is now right and proper to be done? and the answer to that question, he conceived, was contained in the motion, with the reasons for that motion, which he meant to submit to their Lordships. The motion was this:

"That the trial of Warren Hastings, Esq. be postponed to the first day of the meeting of Parliament, after the ensuing prorogation, then to be re-assumed, first with a view to the limitation of its existence, and next to the time of giving judgement upon it; both to be conclusive and final within the then existing session."

And his reasons for that motion were these. In the first place, said his Lordship, it being not possible, *rebus sic stantibus*, that the trial could be ended in this session of Parliament; whilst, on the one hand, no inconvenience could in any degree

arise to the person who was accused at the bar, but, on the contrary, that benefit would at length be derived to him, from the certainty he would then have of looking to the end of his prosecution ; so, on the other hand, the House would do an act of reciprocal justice to the accusers, who likewise appeared at the bar as the Managers of the House of Commons ; for, said his Lordship, it must be remembered, that when this trial began, a proposition was made by the Managers, that each charge should be separately heard and separately determined upon, to which proposition Mr. Hastings's Counsel objecting, for the reason that one charge was so implicated with the others, that his defence could not properly be made without the whole of the charges being gone through, he had suggested to the House at that time the right which Mr. Hastings had of chusing his own mode of defence, and the propriety of his being indulged in that choice, and this suggestion was approved and admitted by their Lordships. The Managers now come, and claim the same indulgence. They say, the charge of Benares (first in the order of hearing) is so intimately related to and connected with the other charges that have been brought forward, that in justice to their cause the whole ought to be considered together, and not partially, and therefore as the other charges cannot be heard this session, the charge, for this reason, ought to be postponed with the rest ; and this, said his Lordship, being what he called reciprocal justice, he thought it ought to be granted. It was true, the Managers, in making this application, and Mr. Hastings's Counsel, in objecting to it, have reciprocally changed their ground ; but this was their businels, and not the businels of the House of Lords. The businels of the House was to do what was right. But, said his Lordship, there is one other reason of the first importance, that weighed with him for this motion. He saw, as their Lordships too must do, that the Managers themselves were as anxious to get rid of this trial as Mr. Hastings himself was ; and that both sides were equally ready and willing to catch hold of any pretence to be freed from it ; but this was the duty of their Lordships to prevent. The credit, the honour, the dignity, the character, nay, the very existence of the House itself, depended upon their conduct in this trial. Their Lordships were called upon, as that high tribunal of justice that guards the constitution of the coun-

try, for a decision upon this very extraordinary impeachment ; and a pretended decision must not take place of a real one.

Some difficulty occurring about the manner of getting rid of Lord Grenville's amendment for the introduction of this motion, the Earl of Abingdon agreed to withdraw his motion, and Earl Stanhope's motion being negatived, Lord Grenville's amendment was put, and carried, upon a division of 48 to 21.

Adjourned.

Tuesday, 11th June.

The Royal assent was given, by commission, to the bill for regulating the government and trade of India, and to four other public and nine private bills.

Lord Auckland was introduced, with the usual formalities, between Lords Grenville and Amherst, and took the oaths and his seat.

Earl STANHOPE moved an address to His Majesty, praying that His Majesty would be graciously pleased to give directions, that the Memorial, presented by Lord Auckland, and the Imperial Minister at the Hague, to the States General of the United Provinces, be laid before that House.

Lord HAWKESBURY said, he was hopeful that the noble Earl would not persist in pressing this motion on the House, in the absence of the noble Secretary of State (Grenville) who had been only gone from the House a very few minutes.

The Earl of LAUDERDALE said, that although the noble Secretary of State was not then in the House, yet several of His Majesty's Cabinet Ministers were, and he could not accede to the doctrine that his noble friend was called upon to delay making the present motion, or that it could, with any propriety, be stated as an objection to its being then made, that the object of it was a matter coming properly within the department of the noble Secretary of State, and that it was therefore an improper subject to be discussed while that noble Lord was absent. Besides, the very same paper had been already laid before the House of Commons, as appeared from the votes of that House, on their Lordships' table. What objection, therefore, could there possibly be to laying before their Lordships a paper which had already been made public, through the medium of the House of Commons ? Or who was the

Secretary of State for Foreign Affairs, in the House of Commons, when it was there moved for?

The LORD CHANCELLOR left the woolssack, and said, he did not know whether there might really be any objection to agreeing to the motion of the noble Earl, if brought forward in a proper manner; but, as the noble Secretary of State had been present during the whole time, from the sitting of the House till within a few minutes before the motion was made, and as it was a matter of department, he certainly conceived that the noble Earl ought either to have brought forward his motion earlier, or to have given notice to the noble Secretary of State that he intended to make it; his Lordship said he did not rest upon parliamentary form, but wished rather to address their Lordships as gentlemen, and to ask whether it would be fair or candid to press the House to decide upon the motion then, under these circumstances? He would therefore conclude with moving the previous question.

Earl STANHOPE rose to speak to the previous question.— He said he was astonished to hear the noble and learned Lord address their Lordships as gentlemen; for, in all his reading or knowledge of the Constitution of this country, he had never read or heard of such a House, as a House of gentlemen. Although he could, by no means, agree to the doctrine which he had just heard, with respect to department, he might probably have thought it right to have given some kind of notice of his intention to make the present motion, had not the very same paper, which he now moved for, been already laid before the House of Commons; and he never could admit it to be a matter of doubt, or that could admit of discussion, whether a paper ought to be submitted to the inspection of their Lordships, which had already been laid before the House of Commons? He would therefore divide the House on the previous question.

Lord CATHCART said, he conceived that the rules of the House required, that, when any noble Lord made a motion for laying any paper before the House, he ought to state for what purpose he moved for it, and what he meant to found upon it when produced; and that a previous notice of such intended motion should be given.

The LORD CHANCELLOR was then proceeding to read the motion, in order to put the question, when,

Earl STANHOPE stated, that, since so much had been said, and that it was really a matter of indifference to him whether he made the motion that day or the next, he had no objection to withdraw it, giving notice that he would bring it forward again to-morrow.—Adjourned.

Wednesday, 12th June.

Earl STANHOPE said, he rose to renew the motion, which had been so strongly objected to, when proposed by him to their Lordships' yesterday, on account of the absence of a noble Member of that House, and which he had then agreed to withdraw. His Lordship said, that he was prevented yesterday from making the motion, while the noble Secretary of State was in the House, by finding the Clerk rather unwilling to interrupt the course of reading the bills: and, as the papers moved for had previously been made public, by being laid before the House of Commons, he could not see that the presence of that noble Member was at all necessary, more than of any other Member of the House. If he had misconceived the meaning of the paper alluded to; if the noble Lord, who had yesterday taken his seat in that House, should declare that he meant it in a different sense, as probably he would; if other noble Lords, on the same side of the House, should also declare that they understood it in a different sense; and, the House should be of the same opinion, the motion which he should submit to the House, when the paper should be laid upon the table, would be of course negatived; and a negative would also be given to any motion for censuring or punishing the noble Lord. His chief object, however, was to have a clear and explicit explanation given of a state paper, which, understanding in the sense which he did, appeared in the highest degree improper and injurious to the justice and honour of this country. His Lordship concluded with moving, “That an humble address be presented to His Majesty, requesting that His Majesty will be graciously pleased to give directions that there be laid before this House, a certain memorial, signed by Lord Auckland and the Count de Starhemberg, at the Hague, on the 5th of

April, 1793, and presented to the States General of the United Provinces."

Lord AUCKLAND said, he rose to second the motion of the noble Earl. He regretted that, so recently after his having taken his seat in that House, any thing personal to himself should occupy the attention of their Lordships; but, with respect to the present subject, and every other part of his public conduct, in his embassy, he was desirous that it should meet the fullest investigation. It was for the noble Earl to ground upon the paper moved for, when produced, what motion of censure, &c. he might think proper; it would rest with the House to decide upon it; and he would await that decision with confidence and with cheerfulness. He felt assured, that throughout the whole of that embassy he had acted in conformity to the instructions he had received; according to the opinion which operated upon his mind, and which he confessed had led to adopt every means he could think of or devise, to stem the dreadful torrent of anarchy, confusion, murder, wickedness, and madness. His Lordship concluded with saying, that, besides the paper moved for, there were other papers connected with it, which it might probably be right that the House should be possessed of.

Earl STANHOPE said, that if there were any such papers, the noble Lord himself, or any other noble Lord, might move for their being laid before the House.

The question on Earl Stanhope's motion was then put and carried.

Earl STANHOPE said, that, although it might perhaps be somewhat irregular, that a day should be fixed for taking a paper into consideration, before it was laid upon the table; yet, as a copy of this paper had been laid before the House of Commons, and that there could of course be no cause for difficulty or delay in laying it before their Lordships, he thought it right to give notice, that if the paper should be on their Lordships table on Friday, he would then move, that the same be taken into consideration on Monday next, and that their Lordships be summoned.—Adjourned.

Friday, 14th June.

Lord GRENVILLE presented to the House, by directions

from His Majesty, the following papers, which were ordered to lie on the table :

No. I.

Translation of a Note delivered to the Right Honourable Lord Grenville, one of His Majesty's Principal Secretaries of State, by the Ministers of the Emperor and the King of Naples, on the 20th of September, 1792.

THE under-signed Envoys Extraordinary and Ministers Plenipotentiary of His Imperial Royal Apostolic Majesty, and of His Majesty the King of the Two Sicilies, in consequence of the ties of blood and of friendship by which their sovereigns are attached to the King and Queen of France, have the honour to address themselves to Lord Grenville, to represent to him the imminent danger which threatens the lives of their Most Christian Majesties, and their Royal Family ; and the fear, but too well grounded, that the atrocities which the factious in France commit against those august persons will have no other bounds than the greatest of all crimes. They are authorised to express to his Excellency the wish of their respective Courts, that His Britannic Majesty, in case so horrible an act should take place, would be pleased not to permit any residence, or grant any protection or asylum to any person who should be concerned therein, in any manner whatever.

(Signed) STADION.
CASTELCICALA.

London, this 20th of September, 1792.

No. II.

Translation of a Note from Lord Grenville, one of His Majesty's Principal Secretaries of State, to the Ministers of the Emperor and the King of Naples, dated the 21st of September, 1792.

THE under-signed Secretary of State of the King, in answer to the official note, dated yesterday, which he received from the Count de Stadion and the Prince de Castelcicala, Ministers Plenipotentiary and Envoys Extraordinary from His Imperial Royal Apostolic Majesty, and from His Sicilian Majesty, has the honour to renew to those Ministers the assurance of the sincere interest which the King has always taken in every thing which relates personally to their Most Christian Majesties, and which could not fail to be increased by the unfortunate circumstances of the situation in which their Majesties are actually placed.

It is His Majesty's most ardent wish, that the fears, expressed in the note of the Count de Stadion and the Prince de Castelcicala, may not be realized ; but should the contrary case unfortunately happen, His Majesty would not fail to take the most effectual measures, in order to prevent the persons who should have rendered themselves guilty of so atrocious a crime from finding any asylum in the domi-

nions of His Majesty. The King takes a pleasure in formally giving to Sovereigns so closely united to their Most Christian Majesties, and to their Royal Family, by the ties of blood, this assurance, which His Majesty considers in no other light than as an immediate and necessary consequence of those principles and sentiments which have ever guided his conduct.

(Signed)

GRENVILLE.

Whitehall, Sept. 21, 1792.

No. III.

Translation of a Letter from his Excellency Lord Auckland, His Majesty's Ambassador Extraordinary and Plenipotentiary at the Hague, to the Greffier of Their High Mightinesses the States General, dated the 24th of September, 1792.

Hague, Sept. 24, 1792.

I HAVE the honour, Sir, to acquaint you, that, in consequence of a conference which Lord Grenville has had with the Ministers of Their Majesties the Emperor and the King of the Two Sicilies, those Ministers transmitted the note, and received the answer, of which copies are subjoined. I am ordered to request of you to lay these two papers before their High Mightinesses without delay: they will see, no doubt, with fresh satisfaction, the sincere desire which His Majesty has to employ every method compatible with his dignity, and with the principles by which his conduct is invariably directed, for the purpose of contributing to the safety and welfare of their Most Christian Majesties.

I have the honour to be, &c. &c. &c.

(Signed)

AUCKLAND.

No. IV.

Translation of the Extract of the Resolutions of Their High Mightinesses the States General of the 25th of September, 1792.

Tuesday, Sept. 25, 1792.

HAVING heard the report of Messrs. J. C. N. De Lynden, and other Deputies of Their High Mightinesses for Foreign Affairs, who, in conformity to the Commissorial resolution of yesterday, have examined,

1st. The proposition of the Greffier Fagel, stating that he had just received a letter from Lord Auckland, Ambassador Extraordinary and Plenipotentiary from His Majesty the King of Great Britain, written at the Hague the same day, in which were inclosed copies of a note delivered to Lord Grenville by the Ministers of their Majesties the Emperor and the King of the Two Sicilies, and of the answer

to that note ; both those papers having for their object the granting no asylum whatever, in the dominions of his said Majesty, to those who shall render themselves guilty of the greatest of crimes towards their Most Christian Majesties, and their Royal Family ; the said Lord Auckland having received orders to desire the Greffier to make a communication of those papers to their High Mightinesses.

2dly. Also, in conformity to the said commissorial resolution of yesterday, a letter from Monsieur de Nagell, Envoy Extraordinary and Plenipotentiary from their High Mightinesses at the Court of His Majesty the King of Great Britain, written at London the 21st of the present month, and addressed to the Greffier Fagel, in which were likewise inclosed copies of the above-mentioned papers, which had been communicated to him by Lord Grenville.

3dly. Finally, and in conformity to the commissorial resolution of their High Mightinesses of this day, the verbal note from the Count de Stahremberg, Envoy Extraordinary and Minister Plenipotentiary from His Majesty the Emperor, in which he desires their High Mightinesses would be pleased to declare, that in case so horrible an act should be committed, they would not permit any residence, or grant any protection or asylum to any person who should be concerned therein, in any manner whatever.

Whereupon having deliberated, it has been thought proper and decreed, that the Greffier Fagel shall express to Lord Auckland the thanks of their High Mightinesses for the aforesaid communication, made in the name of the Ministry of His said Majesty.

Moreover it has been resolved, conformably to the said request made by the Count de Stahremberg, and to the answer of Lord Grenville to the Ministers of their Majesties the Emperor and the King of the Two Sicilies, to declare, by these presents, that no asylum shall be granted, neither in the country of the generality, nor in the colonies of the state, whether in the East or West Indies, to those who might have rendered themselves guilty of the greatest of crimes towards the persons of their Most Christian Majesties, or of their Royal Family : in consequence, the necessary orders shall be expedited to the Baillifs of the different cities and places within the district of the generality, strictly to conform themselves to the above-mentioned intentions of their High Mightinesses ; with injunction, that if, contrary to all hope, attempts should be made on the lives of their Most Christian Majesties, or of their Royal Family, they may take every possible precaution for preventing the authors of so atrocious a crime, and those also who might have been in any way concerned in it, in the case of their seeking an asylum in any place within the jurisdiction of the generality, from being received therein, but, on the contrary, for their being immediately driven from the said cities and places.

Letters, moreover, shall be addressed, on the part of their High Mightinesses, to the states of the respective provinces, to desire them to adopt similar measures in their respective provinces, for effectually preventing any asylum being granted, in any part of the republic, to those who might have committed or have been concerned in so detestable a crime.

Extract of the present resolutions of their High Mightinesses shall be communicated by the Greffier Fagel to Lord Auckland, and a

similar extract delivered by the Agent Van Hees to the Count de Stahremberg, in answer to the above-mentioned verbal note.

No. V.

Translation of a Memorial presented by His Excellency Lord Auckland and the Count de Stahremberg to their High Mightinesses the States General, at the Hague, the 5th of April, 1793.

High and Mighty Lords.

IT is known that, towards the end of the month of September in the last year, his Britannic Majesty and your High Mightinesses gave, in concert, a solemn assurance, that in case the imminent danger, which then threatened the lives of their Most Christian Majesties, and their family, should be realized, His Majesty and your High Mightinesses would not fail to take the most effectual measures for preventing the persons, who might render themselves guilty of so atrocious a crime, from finding any asylum in their respective dominions.

This event, which was with horror foreseen, has taken place, and the divine vengeance seems not to have been tardy. Some of these detestable regicides are already in the case of being liable to be subjected to the sword of the law. The rest are still in the midst of the nation whom they have plunged into an abyss of evils, and for whom famine, anarchy, and civil war are preparing new calamities. In short, every thing that we see happen concurs in inducing us to consider as not far distant the end of those unhappy persons, whose madness and atrocities have filled with terror and indignation all those who still respect the principles of religion, morality, and humanity.

The undersigned, therefore, submit to the enlightened judgement and wisdom of your High Mightinesses, whether it would not be proper to employ all the means in your power to prohibit from entering your dominions in Europe, or your Colonies, all those Members of the Assembly styling itself the National Convention, or of the pretended Executive Council, who were directly or indirectly concerned in the said crime; and if they should be discovered and arrested, to deliver them up to justice, that they may serve as a lesson and example to mankind.

Done at the Hague,
the 5th of April, 1793.

(Signed)

AUCKLAND.
LOUIS C. DE STAHERMBERG.

Earl STANHOPE rose, and observed, that the noble Lord (Auckland) who was not then present in the House, having, on a former day, stated this memorial to have been founded on the instructions he received, he was sorry to find that these instruc-

tions were not among the papers which had just been presented by the noble Secretary of State ; he trusted, therefore, that the instructions alluded to, would either be presented on Monday, or that the defence rested on them would then be abandoned. His Lordship concluded with moving, “ That copies of the instructions transmitted to the noble Lord (Auckland), on which the memorial had been founded, should be laid before the House.”

The Duke of LEEDS suggested to the noble Earl (Stanhope) that, probably, the better way would be, to dispose, in the first place, of his motion on the memorial presented to the States General by the noble Lord (Auckland). Should that noble Lord throw his defence upon the instructions he had received, it would then be time enough for the noble Earl to move for these instructions : if the noble Earl should move for both, previous to the discussion on one, his Lordship would have the double task of attacking the noble Lord (Auckland) who had presented the memorial, and also the noble Secretary of State, by whom the instructions had been transmitted.

Earl STANHOPE declared, that he was perfectly ready to attack either of the noble Lords, should their conduct appear to him to be deserving of censure.

Lord GRENVILLE said, he was ready to meet any motion for censure which might be brought forward against him by the noble Earl, on account of any concern which he might have had in the memorial presented by the noble Lord (Auckland) to the States General.

Earl STANHOPE agreed to withdraw his motion for the present.

Lord GRENVILLE presented a Convention between Great Britain and Russia, in relation to commerce, signed at London, on the 25th of March, 1793.

Also a Convention between Sardinia and Great Britain, signed at London, on the 11th of April, 1793.

Also a subsidiary treaty with the Prince of Hesse Cassel, signed at London on the 10th of April, 1793.

All which papers were ordered to lie on the table. [For copies of which, see the Appendix to the Proceedings of the House of Commons.]

In Committees of the whole House, went through the bill for taking off the duties on coals carried coastways in Scotland, and several other bills, which were reported, and ordered to be read a third time.

The Earl of LAUDERDALE desired that the resolutions of the House in 1787, that the Duke of Queensberry and the Earl of Abercorn, being created Peers of Great Britain by patent, ceased to sit in that House as representatives for the Peerage of Scotland, might be read; which being done,

The Earl of Lauderdale then moved, "That an humble address be presented to His Majesty, to request that His Majesty would be graciously pleased to issue his Royal proclamation for the election of a Peer, to represent the Peerage of Scotland in Parliament, in the room of Lord Viscount Stormont, who, since his election, had taken his seat in that House as Earl of Mansfield, in Middlesex.

Lord Sydney, the Duke of Montrose, and Lord Grenville, opposed the motion; after which the House divided;

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Adjourned.

Monday, 17th June.

The order of the day being read,

Earl STANHOPE opened his motion. However noble Lords might differ about the objects of the war, there was one thing in which he was sure there would be but one sentiment, namely, that it should not be carried on with savage barbarity. The memorial of Lord Auckland, on the first moment that it appeared in public, had struck him as a most ferocious and unwarrantable paper, and he had determined to bring it before the House, but understanding that the noble Ambassador was to take his seat there before the end of the session, he had waited for his presence. The first moment of his appearing in the House, he had called their Lordships attention to it; and he did not hesitate to say, that their Lordships were called upon by every sentiment worthy of enlightened men, of politicians,

and of christians, to express their abhorrence of a paper the most horrid in its purpose and effect. It was natural to look what had been the conduct of the House in cases as nearly similar as he could find. Accordingly in 1778, he found that a proclamation issued in America, and signed among others by William Eden, had very properly raised the indignation and abhorrence of many most respectable Lords in that House. A motion had been made in that House for an address to the King to disavow a proclamation which militated against the system of civilized war, against the character of British generosity and heroism, and which was calculated to produce the horrors of retaliation. The motion for the address was negative of course by the majority for the time being; but the noble Lords who, for the honour of the age and nation, had brought it forward, had left a protest on the Journals, a glorious memorial of the sentiments that filled their breasts. He would not exactly follow the course taken upon that occasion; for it was objected to the noble Lords, that they had not explained the proclamation of which they complained. He would begin then by stating, in a declaratory resolution, what he conceived to be the meaning of the declaration of Lord Auckland. Upon which he would move for an address to the King, to disavow it. And if this was carried, he would think it his duty to proceed against Lord Auckland, the author.

The noble Lord had said the other day, that the declaration was consistent with his instructions. Upon being questioned a little on that subject, he corrected the expression, by saying, that it was in conformity to the spirit of his instructions. It was of no other consequence to his motion, whether the declaration was conformable to his instructions or not, than as it would fix the guilt on him solely, or divide it with Ministers; he said guilt, for all such horrible menaces were crimes against suffering human nature, and were as impolitic as they were wicked. Uniformly such diabolical papers had produced consequences the very reverse of what was the short-sighted view of their authors. The horrid proclamation of General Burgoyne had in an instant created an army that took him and all his army prisoners. There, as every where, the triumph of freemen had been shewn over the vaunted power of discipline—for it was a curious anecdote, that in leading General Burgoyne

to Boston, the cavalcade was stopt by a waggon that blocked up the road. The captive General saw the Americans pulling off their hats to the man who was driving the waggon, and who was soberly dress'd in the common frock of a carter; he desired to know who the fellow was, to whom they paid such extraordinary marks of respect. "Why, do you not know him," said they—"You ought to know him—he is the man who took you and your army prisoners." That proclamation of General Burgoyne stirred up and roused all the warm blood of America; and carters and plowmen, animated by the spirit of liberty, inflamed by the horrid menaces of his paper, were too strong for discipline and despotism. Just in the same way did it happen, with the still more infamous proclamation of the Duke of Brunswick—he did not speak of the miserable Bobadil proclamation, issued from the field, the very day before he retreated; but that first shocking paper which has consigned his name to eternal shame and disgrace, in which he threatened to put to the sword, the men, women, and children of Paris. What did it do? It drew forth an army—it roused up all France—it so irritated the minds of men, and so inflamed the multitude, that it produced the revolution of the 10th of August—the massacres of the 2d of September—and finally, the murder of the King—while at the same time its first effect was to collect round himself such an army of men whose souls were devoted to freedom, as to beat him out of the kingdom. That proclamation no words of his could describe. The cruelties of Herod, of Nero, and Caligula, had for ages been the subject of abhorrence, but they had none of them left on record a proclamation so bloodthirsty as this. He did not accuse Lord Auckland of a production so infamous; but his paper was of the same cast; it was disgraceful to the country; it was a piece of studied ribaldry, and industrious impertinence, and it was as nonsensical in design, as it was injurious in its stile; for the noble Lord ought to have known that nothing was so easy as to make use of invective; that there was no argument in abuse; and that a man ought not to make use of hard words when he cannot make use of hard blows. The term "Malheureux" "Wretches," applied to men who were so formidable as to put the world in arms, might be natural enough in the mouths of the poissardes of Paris, or of the fishwomen of Billingsgate,

but was infinitely too gross for the mouth or the pen of a representative of his British Majesty. [Here Lord Sydney signifying some mark of disapprobation, Lord Stanhope alluded to an expression of the noble Viscount on a former day, " that the slightest interruption deranged him in his ideas."] Now, my Lords, I am not of this completion. I defy him to put me out—I will not be deranged or embarrassed by any observations made sitting or standing. I will do my duty, and discharge my conscience in spite both of sneers and thunders. Indeed the noble Viscount, who feels so tenderly for himself, ought to give the same attention which he claims; and surely it is not a new thing for the noble Viscount and I to be loud in our reproaches of an accursed war. We roared together against the American war, and we roared Ministers out of that war. Now the noble Viscount is not so loud; his vociferations are turned into mere polished whispers; and his nice ear cannot endure the wonted sounds of censure; but I will continue to roar; I believe the people will join me in roaring, and I believe we shall soon roar them out of this war, more disastrous than any into which this country ever was plunged.

The noble Earl then returned to the paper of Lord Auck-
land. " This event (the death of the King), which was with horror foreseen, has taken place, and the Divine vengeance seems not to have been tardy." My Lords, I am not pleased to see this presumption, in thus taking upon ourselves to judge of Divine Providence. My Lords, the ways of Divine Providence are inscrutable by Kings, or by the Ambassadors of Kings. The noble Lord ought to have recollect ed a memorable reproof, given by the immortal Milton, on a similar, haughty, and presumptuous construction of Divine vengeance. King Charles II., and his brother the Duke of York, paid a visit to Milton; the visit was made under the pretence of seeing the Poet, but really with the insolent design of insulting the old man in his infirmity and blindness. The King himself was sufficiently disrespectful to the venerable patriot, but the Duke's rage broke through all bounds of common decency. " You old dog—you ruffian—you are now suffering the just reward of your crimes—Divine vengeance has overtaken you, and has thrust out both your eyes." The answer of the glorious Milton ought ever to be present with those weak mortals

who dare to scrutinise the ways of Providence. “ If Divine Providence has punished me with the loss of my eyes on account of my crimes, what must have been the crimes of your father, who was punished with the loss of his head ? ”

The noble Lord then animadverted on all the words of the declaration, and tried, as he said, to imagine excuses for the noble Lord. It cannot be said that this declaration came from a man whose passions are irritable ; for he is known to be a man of the most placid dispositions, of a man whose blood is never rebellious, who never exposes himself by fits of spleen and frenzy, who never tore a motion entrusted to his hand officially, as I have been told actually happened in this place, though I can scarcely believe that any man could so far expose himself to your Lordships’ scorn and censure ; and indeed I disbelieve it for this reason, that I can find no trace on the Journals of the act, nor of your Lordships’ censure, which must have followed ; but the noble Ambassador is subject to no such intemperance, and if he had been a lawyer, and had even come to the woolsack, would not have torn the paper, and stamped it under foot, and stared and fretted himself in your Lordships’ presence ; much less would he have so torn and destroyed a motion that was not withdrawn.

The noble Earl then proceeded to canvas the policy of the treaties lately laid upon the table, and which had been concluded with the King of Sardinia and the Landgrave of Hesse Cassel. He endeavoured to turn the first into ridicule, as a treaty founded in folly, partiality, and injustice. He endeavoured to shew that we had engaged to pay a subsidy to the King of Sardinia, not for any assistance that he was to give to Great Britain, but on the condition of his maintaining fifty thousand men for the defence of his own territories. He also contended, that we had engaged by the same treaty to send a fleet into the Mediterranean, and that we could not remove it, let our exigency be ever so urgent, either by the danger that our West-India islands might be in, or any other accident. He condemned this condition as absurd and impolitic in the highest degree, and asked if so incredible a stipulation as the subjecting a British fleet to the command and disposal of a foreign power could have been imagined ? The treaty with the Landgrave of Hesse Cassel he censured in pointed and severe

terms. He asked, did it become the Ministers of a great empire, like Great Britain, to bind themselves to the owner of so petty and contemptible a town as Hesse Cassel in a treaty which was highly advantageous to the Landgrave, and as much otherwise to Great Britain? By this treaty we were bound to consider the dominions of the Landgrave as our own, and to defend them accordingly. And what was the condition on the other side? Merely to furnish eight thousand men for three years—a pretty clear proof that Ministers expected the war would last for three years: an expectation which he hoped they would be disappointed in, as he flattered himself the Public would not bear it, and without their consent it could not be carried on, any more than the American, which they had put an end to, as he should not be in the smallest degree displeased if they did the same in the present instance. If we were to buy German flesh, his Lordship said, we had better buy it out and out at once, and not in parcels, retail first, and wholesale afterwards. The treaty with Russia next engaged his notice. He said, we had bound ourselves by that treaty not to lay down our arms without the common consent of the allies. He asked what France had taken from Russia and England to give them occasion to conclude such a treaty? Was it to countenance the horrid and detestable act of partitioning Poland? Did Ministers mean to blow hot and cold at the same time; did they mean at once to condemn and support so iniquitous a measure? The Minister had publicly declared in another place the division of Poland a crime. He applauded and joined in the declaration. It did the Minister honour, but that honour would be tarnished, if the present treaty with Russia obtained. His Lordship having amply discussed this subject, returned at length to the consideration of the memorial, which, he said, had a tendency to irritate and inflame, and encourage the idea of Septemberizing the French of the description alluded to in the paper in question. He described the horrid transactions of the 2d of September, and said, that a Septemberizing Minister was infinitely worse than a Septembering mob, because there was this allowance to be made for the latter: they were untaught, devoid of system, and without any settled plan of proceeding; whereas a Minister was always supposed to reflect before he acted, to proceed upon such

grounds as sober consideration and sound judgement suggested, to be master of policy, and qualified to act in the superior hue of a wise and experienced statesman. The Earl concluded with moving,

“ That the House, having taken into its most serious consideration a memorial presented by His Excellency Lord Auckland, and the Count de Stahremberg, to their High Mightinesses the States General, at the Hague, the 5th of April last, are of opinion that the meaning and intention of the said declaration was to induce the States General to bring the French prisoners, then in their hands, to trial, in order to put them to death.”

Lord GRENVILLE said, that the declaration was made in the spirit of the instructions given to Lord Auckland, certainly not in the letter, and therefore he was correct in the expression he had before used, that he was willing to divide the responsibility. He would not make use of the terms which the noble Earl had himself used in speaking of the paper, but he must say of his speech, that, taking away the violence, the epithets, and the roaring, nothing remained that would take up the time of their Lordships in answering. Whether the war was growing unpopular, and whether even noble Lords in that House had changed their opinions about it, he could not take upon himself to say ; no symptoms has yet appeared of the first of these assertions, and if noble Lords had changed their opinions, he hoped they would have the candour to state it, and give their reasons for the change. The war was an act of self-defence, to protect our allies and ourselves against wanton aggression ; and he wished to know from noble Lords what had yet taken place to give us security against that profligate ambition which threatened all Europe with devastation. The noble Lord went at some length into a statement of the causes that had provoked us to arms, and then proceeded to shew that the terms of the declaration of Lord Auckland would not bear the interpretation put upon them by the noble Earl. The sword of the law meant no other than the letters conveyed, the just punishment which law would inflict on the crimes of murder and regicide. It was the clear meaning of Lord Auckland that the criminals who had embrued their hands in the blood of the unfortunate Louis, after they had insulted him

with the title of King by way of mockery, (for he contended that in regal governments it was a falsehood to say that the people could confer the sovereignty, or could cashier the monarch, on any alledged pretext of offences against them) should be delivered up at the proper time to be tried and condemned to the just punishment for their crimes. This was the evident tenor and even the text of the declaration. The noble Earl had confounded the recital of what Lord Auckland had before done with the paragraphs that made the jet of the declaration ; and if he had attended clearly to the words, he would have seen that it meant only that the ruffians should be delivered up as soon as a tribunal should be established in France competent to try and to punish them. It was a doubtful question in this country, whether by the laws of Britain we could deliver up to a foreign power offenders who had committed crimes in such countries ; but whether it was contrary to our laws or not, it was certainly contrary to our practice to do so : it was not the same, however, in Holland. Offenders were given up by them according to their law and practice ; and the great argument alledged for the French declaration of war against the States was, that they had not yielded up a person charged with fabricating false assignats, though this charge was only made to get him into their hands, on account of the part he had taken in the Revolution.

The noble Earl had said, that it was presumptuous in man to scrutinise the ways of Providence ; it certainly was so ; but if ever the example of Divine vengeance was manifest anywhere, it was in the present state of France, where all the men who have in succession stood forward in the overthrow of just authority and law, and order, have, in their turn, become the victims of the anarchy they have introduced ; thus the very man who was sent to the attack of the defenceless Republic of Holland delivered into their hands the men who gave him the criminal commission, and thus the authors of the diabolical massacre of the 10th of August are now occupying the same prisons which they then filled with their victims, but who, he hoped, would not suffer the same fate. He took particular notice of what his noble relation had said respecting the treaties with Sardinia, with Hesse Cassel, and with Russia. He said the noble Earl seemed to have chosen to put a construction

upon each treaty, which the conditions of each by no means warranted. He would venture to say, that treaties more beneficial to this country never were concluded. Where the noble Earl found any words in the treaty with Sardinia that could induce him to entertain so absurd and groundless an idea, that we had agreed to place a British fleet in the Mediterranean under the sole command of a foreign power, and that it could not, if occasion or exigency required, be sent to the assistance of any part of the British empire, he was at a loss to imagine. Sure he was there was not any thing in the treaty to bear out such an extravagant inference. With regard to the treaty with Russia, the noble Earl was equally mistaken ; for if he had put his own argument *vice versa* it would be strictly applicable, but not when he compared the chance of the probable losses of Russia by the war with the probable losses of Great Britain. Having fully shewn that all that the noble Earl had said on the subject of the treaties was inapplicable to them in general, and to the question in particular, his Lordship said, it would have been more regular and convenient to their Lordships, if his noble relation had given notice of a specific motion on the subject, and moved that their Lordships be summoned for the occasion. He concluded, with moving an amendment, by leaving out all the words after the words, “ presented on the 5th of April,” and to introduce in their stead, “ that the memorial delivered by Lord Auckland is conformable to the sentiments of His Majesty, and those carried to the throne by both Houses of Parliament ; and that it was consonant to those sentiments of justice and policy which it became the honour and dignity of the nation to express.”

Earl STANHOPE contended that the interpretation of the noble Secretary was incompatible with the letter of the declaration. It could not mean that they were to be delivered up to the French. It could not be that they were to be denied an asylum, that the former declarations had gone to require ; but it stated that there were persons, namely, the Commissioners, treacherously delivered up by Dumourier, who were there in the case of being liable to be subjected to the sword of the law, meaning evidently a Dutch tribunal. He denied that the laws of England would suffer a criminal to be delivered up, and all the noble Secretary’s defence of the Ambassador went

to this, that he had advised a measure directly contrary to the law of England.

The Earl of CARLISLE rose to notice what had fallen from Lord Stanhope with regard to the proclamation that had been issued by him and his colleagues in America. He thought it perfectly just at the time, and had not yet altered his opinion upon it. It was true, his Lordship said, that there were persons who, in their absence, had taken the liberty to censure it; but they had been defended by some of the first and greatest men in the nation. His Lordship thought that it was unfair, after fourteen years, again to bring that affair on the carpet; and when the House had approved publicly of the acts of the servants of the Public, it ought to shield them from all future attacks. His Lordship then observed, that he should vote for the amendment, as he was so far from imputing blame, that he thought Lord Auckland had deserved the highest approbation for his public services and conduct.

The Earl of GUILDFORD said, that the motion of the noble Earl would have passed away without much difference of opinion, but for the observations and the amendment made by the noble Secretary. He certainly could not adopt the motion of the noble Earl, because he did not agree with him that it was the intention of that paper to take away the lives of the French Commissioners. These Commissioners had been in the hands of the Imperial army, and they had no occasion, therefore, for executing such a purpose by this means; but though he could not agree with the noble Earl in affixing to it the censure he gave it, as little could he agree in the praise given it by the noble Secretary of State. Though devoid of the guilt of murder, it was not an innocent paper. It was not merely careless: it was an act calculated to inflame the people of France, and it was unbecoming the dignity of Great Britain, inasmuch as it was a miserable triumph over these unfortunate men. He would therefore move the previous question. He would just detain their Lordships for one word more, by saying, that he, for one, certainly thought that we had changed the objects of the war; for if the defence of our allies, and security against the dangerous ambition of France, were not the objects held out to the people of this country, they had been more grossly deceived than ever they were by the Ministers of

Charles II. In his opinion, we had nothing to do with them farther: our declared objects were attained, and we ought to leave them to settle a government, or to remain in anarchy, just as chance or madness might direct them. He concluded with moving the previous question.

Lord SYDNEY considered the French as checked, but not conquered. He asked if he had the good fortune to drive thieves out of his house, (he hoped he would not offend any friend of the French by the term), was he to be told that he must not prosecute them, or, if possible, prevent them from returning to it? He said, remove the mound that shuts out the torrent, and it would presently carry every thing before it. The French, it was true, had been driven out of the Low Countries; but they were yet in possession of Savoy, and had seized upon that dutchy without any provocation whatever. The poor, independent republic of Geneva had been ruled with a despotism that would have disgraced the most arbitrary government; and the treaty of Utrecht, by which we had abandoned our allies, as was proposed to us to do at present, he considered as the most disgraceful page of our history. He considered Louis XIV., in his greatest prosperity, as less formidable to the peace and happiness of Europe, than the present rulers in France. His Lordship most heartily assented to the amendment.

The Earl of GUILDFORD, in reply, said, he had no doubt but Nice and Savoy might be restored upon negociation.

The Earl of LAUDERDALE said, he could not concur with the noble Earl who opened the debate in thinking there was every criminality imputable to the noble Lord who signed the memorial in question, though he had his reasons for withholding his approbation of that measure. He thought it had arisen from momentary effusions of exultation on success; that it was an officious interference, an effort of impertinent presumption, and of idle ribaldry. He condemned the memorial as a measure which might justly alarm thinking men, and in that view of it considered it as ill-timed, improper, and rash; but as he did not think it criminal in its object, he could not consent to support the noble Earl's motion, any more than that he could bring his mind to vote his approbation of the paper. He replied to the objection made by Lord Carlisle to the recal-

ling matters determined ; that he would never yield up his right to animadver^t on the conduct of public men, however that conduct might be approved of by the majority for the time being. The conduct of public men was public property ; and it was one of the most valuable of our rights, that we might, by discussing and reviewing it freely, collect wisdom by experience, and avert criminal examples by correction. He flattered himself that Lord Auckland would have himself broken the silence he had cautiously held so long, and now that he had got into less-dreaded company, would have explained the motives of his conduct. At this season, and in this place, some of the emotions which had so long affected him might subside. His conduct, in some particular instances, which had so long kept him silent, had of late received such countenance by imitation, that he needed not now to dread observation. It would be a defect in taste now to disturb him, now that so much nobler game was started for the amusement of their Lordships—game that had in a herd followed his solitary example !

The noble Earl animadver^ted with great severity on the declaration, as well as on the treaties with Sardinia, Hesse Cas-
sel, and Russia, and concluded with saying he should vote with Lord Guildford for the previous question.

The Duke of CLARENCE said, it had not been his intention to have troubled their Lordships at all that day, but he would just say a few words, and they should be but few. He had come down with a predetermination to vote against the motion, because he conceived it to be of a nature so personal, as to be inconsistent with the dignity of their Lordships' proceedings ; but he could not assent to the amendment proposed by the noble Secretary of State—an amendment calculated to bestow applause on a measure which, however free from any criminal motive or bad intention, was not, in his mind, entitled to praise. His own opinion was, that nothing cruel in its tendency or oppressive in its nature could originate with a British subject, and therefore he thought that the memorial in question was not the production of a British Minister, but that it was written by the Imperial Ambassador, and that for some political reasons of another nature, which the noble Lord who signed it might not be at liberty to explain, he had thought it

expedient to put his name to it. His Royal Highness did not assert this as a fact, but delivered it as his opinion and conjecture. With regard to the war, that it was commenced on the principles of justice and necessity, he had, as their Lordships well knew, publicly declared : he still retained his opinion ; but if he was now asked, whether the continuance of the war was any longer necessary, he should say he thought not, because he had the satisfaction to see that the objects of the war were obtained. When the war was entered upon, he had reason to believe that Holland was in the most imminent danger ; that danger no longer existed, for Holland was by this time perfectly safe : he saw, therefore, no reason for continuing the war any longer. Such being his sentiments, His Royal Highness said, he cordially coincided with the noble Earl near him, who had proposed the previous question, and he congratulated that House and the Public on having witnessed that the eminent abilities possessed by the noble Earl's father had devolved to the son, and that they had still the benefit of them. The Duke declared, that, observing so full a house, he had taken that opportunity of stating his sentiments, and exercising his right as a British Peer, which he hoped he should continue to exercise, in common with other Peers in that House, freely.

The Marquis TOWNSHEND asked if this country was ever so anxious to conclude the war, with whom were His Majesty's Ministers to treat? Where were they to look for the proper persons to negotiate with? Those who held the power of Government in Paris were a set of the most bloody tyrants in existence. The Marquis justified the war as actually unavoidable, as a war into which the bloody democrats of Paris had wantonly, and without provocation, forced Great Britain. He reminded the House what the principles were which these democrats had avowed. They had said to this country, that it should have no King, but should become a Republic, and had, in short, held doctrines tending to subvert all order, and to destroy all the bonds of civil society. The Marquis complimented the Duke of Clarence on his arguments, but he thought it an impolitic idea to recommend putting an end to the war, when there evidently were no persons in France

in regular possession of the power to open a negociation or make terms of peace which might safely be relied upon.

The Earl of CARLISLE rose to explain ; his Lordship declared he did not mean to assert that the conduct of public men was not to be at all times subject to public observation ; but when that House had solemnly and formally decided upon such conduct, full fourteen years ago, he did think their Lordships' decision might be considered as a *quietus* or final issue to the question agitated.

Lord AUCKLAND said, after what had passed, he should have occasion to trouble their Lordships very shortly only. But he must begin by denying that he had in any manner pledged himself to take part in the debate of that day ; he had merely said, that he was willing to rely on the decilion of their Lordships, and that he should wait for that decision with chearfulness and confidence. In that sentiment he still remained ; he had not, however, come down wholly unprepared on the subject, but had made himself ready to justify the memorial, line by line, if it had been necessary ; had he acted otherwise, he was satisfied he should not have acted in a manner due to the dignity of the House, or due to himself ; but what had fallen from his noble friend, the Secretary of State, rendered it unnecessary ; he would therefore say a few words upon the substance and the style of the Memorial, which consisted of three distinct clauses. His Lordship read and adverted to them separately, and when he came to speak of the style, he said it naturally became applicable to the substance, and was the sort of style in which he ever had spoken of those detestable regicides, for so he should continue to call them. He stated the horror with which the murder of the Most Christian King had filled the mind of every humane and thinking person ; and asked what name, or what epithet, was too severe to apply to those wretches, who had shewn themselves capable of such an atrocious crime ? He therefore should persist in holding the language which he ever had done respecting such wretches as Brissot, Danton, and above all, that monster of iniquity the Duke of Orleans, and he had no doubt but those regicides would sooner or later be overtaken with the punishment due to their enormities. In the motion made by the noble Earl, only a single passage of the Memorial was referred to, and a con-

struction given to it that was not at all applicable. The noble Earl should have looked to the prayer of the Memorial ; for what was the prayer of it, but to submit to the enlightened judgement and wisdom of their High Mightinesses to employ all the means in their power to prevent the detestable regicides from entering the dominions of the United States of Holland, and what other means could be resorted to for effecting this purpose, than by telling them, that if they came there, they should be seized and delivered up to justice ? This was the whole object of the Memorial ; it was not meant that they should be put to death on the spot, but that they should be reserved in custody till such time as the course of justice should be restored, and then put upon their trials in Courts competent to that purpose. His Lordship asked, whether every man would not agree that murder was a crime that merited punishment ? and whether it was not proper that murderers should be delivered to justice ? In all countries murder was deemed a crime that merited severe punishment, and laws were prepared which assigned death as the proper punishment. Having thus defended and justified the Memorial, Lord Auckland said, he would not condescend to take notice of such words as had been applied to the language of the Memorial by the noble Earl, who had talked of officious interference, impertinence, and ribaldry, but would be content with leaving it to their Lordships' judgement to decide between the noble Earl and himself to which of them such language was most applicable.

With regard to the allusions thrown out by a noble Earl in the course of his speech, relative to his conduct on former occasions, he did not at all quarrel with that practice ; on the contrary, he was with the noble Lord in thinking that it was competent for any Peer in that House, or any Member of the other, in his place, to animadvert at any time on the public conduct of every man engaged in the public service. He thought the noble Earl was fairly entitled so to do, and there was not an action of his life, either public or private, which he should be unwilling to have canvassed and considered ; but he had much rather it should be done when he was present, because it would be for himself to decide whether it was necessary or becoming to reply to any remarks that might be made on such a subject, or whether they deserved to be passed by in

silence. After the very able manner in which the Memorial had been defended by his noble friend, the Secretary of State; and the poor and miserable reply that had been made to that defence, it was not necessary for him to trouble their Lordships farther on the subject; he would therefore confine what he wished more to say, to reciting some passages from that very protest which the noble Earl who made the motion had referred to, and to which the name of Stanhope was subscribed; if therefore the noble Earl was not immediately and personally interested, he had at least, by descent, an hereditary interest in that protest. His Lordship then read the following passage:

“ The kingdom has long enjoyed a profound internal peace, and has flourished, above all others, in the arts and enjoyments of that happy state. It has been the admiration of the world, for its cultivation and its plenty, for the comforts of the poor, the splendor of the rich, and the content and prosperity of all. This situation of safety may be attributed to the greatness of our power. It is more becoming, and more true, that we ought to attribute that safety, and the power which procured it, to the ancient justice, honour, humanity, and generosity of this kingdom, which brought down the blessing of Providence on a people, who made their prosperity a benefit to the world, and interested all nations in their fortune, whose example of mildness and benignity, at once humanized others, and rendered itself inviolable.

The Earl of SCARBOROUGH justified the Memorial rather on the grounds of general policy, than with a view to any particular point contained in it, and contended, that the war had been entered upon necessarily, from a due regard to the security of the Sovereign of the British empire, the safety and support of his allies, and the honour of the nation. Much, therefore, as he wished for peace, which must ever be a desirable object to Great Britain, he was not eager to end the war, before all the objects, to attain which it had been commenced, were achieved and completed.

The LORD CHANCELLOR left the woolfack, in order to state to the House the situation in which, in consequence of the three motions that had been read to them, the House actually stood. First, the noble Earl who had opened the debate had moved a construction of the memorial to be put upon it,

which had been objected to by the noble Secretary of State, who had therefore moved an amendment expressing the approbation of the House, with respect to the memorial and principle upon which it proceeded. After that a noble Earl had proposed the previous question. His Lordship reasoned upon the nature, extent, and application of these three motions, observing that the very able, comprehensive and compleat argument of his noble friend, the Secretary of State, left him little to add in defence of a memorial, which he was satisfied could be no other than the work of a British Minister, since it breathed the spirit of the language that had been held from the Throne on the subject of the war, and re-echoed by the addresses of both Houses of Parliament. His Lordship dwelt with great force of argument on the absolute necessity of coming to some decisive vote upon the subject, and shewed the palpable injustice of ending a debate of so personal a nature by voting the previous question. The noble Lord who had signed the memorial that had been the ground of debate, might, without any violence of rhetorical figure, be fairly considered as having that day been put upon his trial. Was he to be dismissed without a judgment? He was entitled, on every consideration, to know the sense of their Lordships, who would not do substantial justice unless they came to a resolution decisively expressive of their real opinion. Would voting the previous question be attended with a definitive effect? Just the contrary. It would give the world to imagine that the House doubted at least of the propriety of an important step taken by a British Ambassador in a distinguished and an arduous situation. Was it expedient or politic, or wise, to hold forth an idea that any such doubts were entertained by their Lordships? Therefore justice and policy equally required that no such idea should be countenanced by that House. In the course of the debate, little indeed that immediately referred to the Memorial had been said, but a great deal of allusion to topics wholly irrelative to the question had been introduced. In the little that did apply, what was there but vague assertion and loose argument, that imputed error to the noble Lord in having published such a Memorial? The general turn of reasoning, their Lordships had heard, tended to an admission that there was nothing criminal in the noble Lord's motive or his conduct, and that he

did not deserve censure. If the fact were so, would their Lordships stop at that point? They could not with justice; they must go a step farther, and confirm and sanction with their approbation, a measure grounded on the self-same principles that they had themselves, as a House of Parliament, adopted and avowed in their address to the Crown in answer to the speech from the Throne at the commencement of the session. Having powerfully put this argument as an appeal to their Lordships' justice, the Lord Chancellor took some notice of what had fallen from different noble Lords in the course of the debate respecting the war and the possibility of putting an end to it. He said, that no man could entertain a more profound respect for the illustrious personage, who had that day delivered his sentiments on the subject than he did, sentiments that he could not but recommend to the Royal Duke to reconsider, conscious that if he did, he would find, they were founded on ideas that were at present impracticable. Another noble Lord, the noble Earl near him (Lord Scarborough,) had that day delivered his opinion in so manly, so able, and so correct a way as make him wish the House had more frequently the pleasure of hearing the noble Earl; the noble Earl had placed the argument respecting the Memorial, the commencement of the war, and its present continuance, in its proper point of view.

It had occurred to his good sense that every measure tending to convey to people abroad the general abhorrence entertained by this country on the atrocious conduct of those monsters in Paris, who murdered their innocent Monarch, was fit and congenial to the national feelings of Englishmen. The noble Earl had seen rightly, that the war was necessary, that it was begun by the aggression of our natural enemies, by that degree of madness and ambition which far exceeded the ambition of Louis the XIV, and that it was in fact unavoidable. The Earl had also well said, that the war ought to be carried on at all risques by this country, till its honour to our allies was in its fullest extent discharged, and their security ensured. Regarding the whole subject in that point of view, it was to consider it correctly, and as it ought to be considered. Some noble Lords contended that the objects of the war were attained, and that it ought to be concluded. He admitted that the face of political affairs was much and advantageously altered,

and changed on the continent ; but he denied that affairs were so far and so effectually changed as to render it either prudent or safe to abandon the war, and conclude a peace, when there were no persons in power in France with whom we could, with any sort of security or dependence, open a negoeiation for that purpose. Holland, it was true, was then in a state of greater safety, than when we entered into the war ; and the French were driven back to a greater distance in the Low Countries, but were they within their own frontiers, and dispossessed of all their conquests ? Were they not in possession of Nice and Savoy, of much of the territory of the King of Sardinia, and of the republic of Geneva, and had they not armies on the Rhine, and in various parts of the Empire, not properly in the possession of France ? Why then would they draw away that force which confined them to those limits within which the enemy had been fortunately driven, and break down the mounds that kept in and restrained the tide of their power ? How could we be assured that it was safe to abandon the war ? It appeared to his mind the most absurd, the most impracticable idea, that could be entertained. Having very amply discussed this point, the Lord Chancellor took notice of the allusion of Earl Stanhope, to his having a few days since torn the noble Earl's motion, and assured the noble Lord, that so far from his having rightly conceived his motive in stating the action alluded to, to have proceeded from heat or anger, or irritation, that it had proceeded from a passion the coldest of any that could be supposed to lodge in the human mind. With pretty much the same feeling, had he listened to the remarks made on parts of his conduct, by another noble Earl, though he could not say the passion that impressed his mind, when he heard those remarks, was equally cold as on the former occasion, since it was mixed with no small degree of satisfaction, on finding that the noble Earl did him the honour to contrast him with those whom the noble Earl was pleased to call his friends.

The Earl of GUILDFORD said, he rose to answer a question that had that day been more than once put by different noble Lords. It had been asked, with whom were Ministers to treat for peace ? In answer, he must say that their situation was as extraordinary as it was lamentable, if they found

enemies to fend armies against, and could not find out persons fit to negotiate a peace with.

Earl STANHOPE said, that after having made the motion he rose to reply to such observations as required his notice; and, with regard to what had fallen from the noble Lord, respecting his descent and his hereditary interest in the protest that had been read, he desired that noble Lord to know that he could hear with as much calmness as any man such remarks as noble Lords might think proper to make on himself, but he could not sit with patience and hear observations made on his predecessors and those who went before him. He defied any man with truth to impute either crime or misconduct to the noble Lord, his immediate predecessor, or to apply censure to any one action of his life; and he would tell the noble Lord that his predecessor's father was among those principally instrumental in preventing the return of the Stuart family to the throne of these kingdoms, and seating a Prince of the House of Hanover upon it, of which House their Lordships had that day heard the manly sentiments of one of its illustrious Members, sentiments which entirely coincided with his own, as he was persuaded a continuance of the war, would be one of the most calamitous circumstances that could befall this country. Having said this, his Lordship read an amendment which he meant to move upon the amendment of Lord Grenville, after that had been moved, designing afterwards, should it be carried, to move to negative the whole motion.

The LORD CHANCELLOR then put the motions in their order. First, Lord Stanhope's motion was defeated by Lord Grenville's amendment. And then, when the question of the amendment was put,

Earl STANHOPE rose and moved an amendment on the amendment, that there should be introduced before the words "conformable to the expressions of indignation," the following words—"Inconsistent with the humanity and generous courage which, in all times, have distinguished the British nation; subversive of the maxims which have been established among christian and civilized communities; derogatory to the dignity of the Crown of this realm; tending to debase the spirit, and to subvert the discipline of His Majesty's armies, and

to expose his innocent subjects, in all parts of his dominions, to cruel and ruinous retaliations."

The LORD CHANCELLOR read the new amendment, and observed that here was a sentence without a verb.

Earl STANHOPE said, he had been accused of teaching the Bishops religion and the Judges law—he should now teach a Lord Chancellor grammar. If the noble and learned Lord had looked at the paper in his hand, he would find the words of the original motion, with the words of Lord Grenville's amendment, to stand thus—" is conformable," &c. now his motion was to introduce between the word " is" and the word " conformable" the words—" inconsistent," &c.—On consulting the paper, Earl Stanhope was found to be right.

The motion on this amendment was then negative, and the motion on the previous question being also negative, Lord Grenville's motion of praise was carried without a division.

Adjourned.

Tuesday, 18th June.

The LORD CHANCELLOR, after a short speech, made a motion to the following effect :

" That it be referred to the Judges to consider of, and to prepare, and early in the next session of Parliament to bring in, a bill to remedy the defect of the law now in being relative to imprisonment for debt, &c."

Lord RAWDON said he should not oppose the motion; on the contrary, he should be glad to have laid before the House the ideas of the Judges upon this subject; although he had reason to fear they would not come up to what he wished, or what he might think necessary to press upon their Lordships' judgement; and submit to their justice. He therefore, not standing pledged to agree to any thing the Judges might frame, and considering himself as much at liberty to pursue any plan of his own hereafter upon this subject, as if this motion had not been made, should now agree to it. With regard to his general ideas upon the principle of law, as applicable to imprisonment for debt, he had no difficulty in stating them to be this—That when any man who had contracted debt, without any fraudulent intention, was imprisoned for it, and without means to pay, such man ought to be discharged, because, to keep him

in custody, was a punishment, and none ought to be punished but those who were guilty of some crime. The Public were interested in the preservation of this principle; for to punish where there was no guilt, was a misapplication of punishment. On the other side, it was to be observed, that where any person had contracted debt under fraudulent circumstances, and being imprisoned, and unable to pay, it was proper that he should remain in prison, for a time at least, by way of punishment, because to allow such a person the same advantage as an innocent man, was a misapplication of favour. These were the outlines of his thoughts upon this subject; he should wait for those of the Judges at the opening of the next session, and assent to their plan, if he could consistently with the spirit of the principle he had mentioned.

The LORD CHANCELLOR said a few words, purporting that the noble Lord did not stand pledged to any thing by agreeing to the present motion, for that in the next session the noble Lord, from a general understanding upon the subject now, might have the first move, if he pleased, notwithstanding this reference to the Judges. With regard to the noble Lord's theory of law as to imprisonment of any person not guilty of fraud, and being unable to pay, he begged leave to say he dissented totally from that principle; he believed, that in all laws of all civilized society, where a debtor was unable to pay, the creditor had certain power to exercise severity over him.

Earl STANHOPE approved of the principles of his noble friend (Lord Rawdon) upon this subject, and thought the motion was imperfect, and therefore he moved, by way of amendment to the motion, that the Judges should be directed to bring all the laws in being under one act of Parliament.

The LORD CHANCELLOR opposed the amendment.

Lord RAWDON begged of the noble Lord to withdraw his motion.

Earl STANHOPE said, that out of respect to his noble friend, he consented to withdraw his amendment; but he assured their Lordships no other man in that House was able to prevail on him to do so.

This amendment being withdrawn, the Lord Chancellor's motion passed.

Earl STANHOPE then called the attention of the House to the subject of the treaties now on their Lordships' table—Treaties between this country and the Landgrave of Hesse Cassel, the Empress of Russia, and the King of Sardinia. He observed, that these treaties ought to be printed, and their contents made as public as possible. There was one article in the Treaty with the Empress of Russia which required explanation. The article stated, “That neither of the contracting parties should lay down their arms without mutual consent, &c. and that the war shall be pursued by both, until the French shall give up any conquest they make on either,” &c. This, he said, might lead us into a defence of the infamous partition of Poland. The inhabitants of that country had lately adopted a free constitution. The Empress, out of pure love, no doubt, to these people, had taken a great number of them under her own dominion; we had entered into a treaty with this humane Empress, and we might hereafter, by the spirit and the tenor of this treaty, be called upon to support her in the possession of these dominions; for these reasons, he should move, “That the treaties now upon the table be printed.”

Lord GRENVILLE opposed the motion, upon the ground of informality; for that it had never been the practice of either House of Parliament to print a treaty, before it had been considered by them, and some vote agreed to with respect to it.

The Duke of NORFOLK allowed this to be the general practice, but begged the House to consider the circumstances of the case. Here were three treaties before their Lordships, entered into between this country and great and considerable powers of Europe at war with France. These treaties were entered into on the 25th of April last, and they were not laid before the two Houses till the 15th of June. Now a motion was made that they might be printed, which was resisted on a point of form, when, in fact, the motion could not be made sooner. What might be the effect of this? The Houses of Parliament were to rise in a few days, and without expressing their sense upon these treaties; during the recess, the war might be carried on to any length to which the views, the wishes, the ambition, or the passions of either, or all these Courts, might lead them; and we might be bound by the spirit of these treaties, and which, by the bye, neither of the two

